for the Olcott post-office building bill—to the Committee on Public Buildings and Grounds.

Also, petition of the Wool Growers and Sheep Breeders of the United States, against forest reserves on land not already timbered—to the Committee on Agriculture.

Also, petition of the educational board of the International Association of Machinists, for a foundry at the Naval Gun Factory, Washington, D. C.—to the Committee on Naval Affairs.

Also, petition of the board of directors of the Merchants' Association of New York, for bill H. R. 24762, for a post-office in New York City on the site of the Pennsylvania Railway terminal—to the Committee on Public Buildings and Grounds.

Also, petition of the Grand Army of the Republic Association of Philadelphia, against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of the National German-American Alliance, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

By Mr. SULZER: Petition of the National Business League, for conservation of the public lands—to the Committee on the Public Lands.

Also, petition of the National Business League, for improvement in the consular service—to the Committee on Foreign Affairs.

Also, petition of the California State Federation of Labor, against the position of the President relative to Japanese in San Francisco—to the Committee on Foreign Affairs.

Also, petition of the California State Federation of Labor, for bill H. R. 9754 (increase of salaries of post-office clerks)—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of W. A. Long and W. H. Woreslender—to the Committee on War Claims.

By Mr. WEISSE: Petition of the Cairo Commercial Club and the Cairo Board of Trade, for an appropriation of $50,000,000 annually for improvement of the waterways of the country—to the Committee on Rivers and Harbors.

SENATE.

WEDNESDAY, *February 20, 1907.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCCUMBER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SPECIAL EMPLOYEES OF INTERSTATE COMMERCE COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, stating, in response to a resolution of the 14th instant, that its response heretofore made to the resolution of February 8, 1907, gives the names and compensation of all persons who have been specially or temporarily employed by the Commission at any time between June 30, 1906, and February 1, 1907; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

CAR SHORTAGE.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting a transcript of the testimony recently taken by the Commission at Minneapolis and Chicago, respecting the shortage of cars for the movement of freight; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

FOREST RESERVES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting an additional list of the names of persons who conveyed or relinquished to the United States lands within forest reserves prior to the act of March 3, 1905, and who failed to select other lands in lieu thereof, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

SAN FRANCISCO EARTHQUAKE EXPENDITURES.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, pursuant to law, a detailed statement of the expenditures made by the Post-Office Department out of the additional appropriation for the public service on account of earthquake and the attendant conflagration on the Pacific coast up to December 31, 1907; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. BURKE of South Dakota, and Mr. ZENOR managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 22599. An act to grant certain lands to the city of Boulder, Colo.;

H. R. 24134. An act providing for the granting and patenting to the State of Colorado desert lands formerly in the Southern Ute Indian Reservation in Colorado;

H. R. 25039. An act to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company and to extend and improve said plant;

H. R. 25570. An act to amend an act approved May 8, 1906, entitled "An act to amend section 6 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes;'";

H. R. 25627. An act to authorize the county of Armstrong, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Armstrong County, Pa.; and

H. J. Res. 223. Joint resolution relating to the holders of medals of honor.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President;

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sail boat for use of the midshipmen at the Naval Academy;

S. 8274. An act to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.;

S. 8362. An act to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah;

H. R. 14361. An act granting an honorable discharge to David Harrington;

H. R. 17875. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce;

H. R. 18924. An act for the relief of George M. Esterly;

H. R. 21579. An act granting an increase of pension to Sarah R. Harrington;

H. R. 23384. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets;"

H. R. 24821. An act to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and Georgia;

H. R. 24989. An act to provide for the commutation for townsite purposes of homestead entries in certain portions of Oklahoma;

H. R. 25046. An act to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo.; and

H. R. 25366. An act to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River, in the State of Mississippi.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution adopted by the Presbyterian Inter-Synodical Foreign Missionary Convention; which was read, and ordered to lie on the table, as follows:

OMAHA, NEBR., *February 19, 1907.*

VICE-PRESIDENT FAIRBANKS,
Washington, D. C.

[Resolution introduced by Rev. G. W. Cromer, D. D., of Osceola, Nebr.]

To the President of the United States Senate:

The Presbyterian Inter-Synodical Foreign Missionary Convention, Omaha, Nebr., February 19, 1907, representing fifteen synods of fifteen States, with 100 elected delegates from each synod, also 100 from the church at large, unanimously adopted the following resolution, with the request that it be read in the Senate of the United States before vote on case of REED SMOOT is taken:

Fully understanding the present teachings and practices of the Mormon organization, which in nowise differs from their past teachings and

practices, we most earnestly request the Senate of the United States to exclude REED SMOOT, an apostle of the Mormon organization, from the Senate of the United States. We make this appeal in the interest of morality, the American home, and American citizenship. Furthermore, we expect all Senators to stand for a high standard of morals and against the polygamist régime of the Mormon hierarchy, which SMOOT is in the Senate to represent, and to stand for his exclusion by their votes when his case is disposed of.

Rev. ORA LANDRITH, *President.*

The VICE-PRESIDENT presented a petition of the legislature of the State of Colorado in favor of the postponement of the consideration of all measures which would interfere with citizens of that State in acquiring title to public lands under the homestead laws; which was referred to the Committee on Public Lands.

He also presented memorials of sundry citizens of Pennsylvania, Wisconsin, Nebraska, Minnesota, Ohio, West Virginia, New Jersey, Iowa, Connecticut, Texas, Washington (D. C.), Massachusetts, Maryland, Indiana, New York, Alabama, Illinois, and Delaware, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented petitions of sundry citizens of Chelsea, Canaan, Hartford, and Rockingham, all in the State of Vermont, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. KEAN presented the petitions of O. C. Beck, of Harrison, N. J., and the petition of George A. Horne, of Hackensack, N. J., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented petitions of the Open Hand Club, of Jersey City; the Woman's Club of Vineland; the Wednesday Morning Club, of Cranford; the Woman's Club of Glen Ridge, and the Woman's Club of Orange, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

He also presented a memorial of Zabriskie Post, No. 38, Department of New Jersey, Grand Army of the Republic, of Jersey City, N. J., remonstrating against the enactment of legislation abolishing the pension agencies throughout the country; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Trenton, Sayreville, South River, Elizabeth, Bridgeport, Succasunna, Atlantic City, Vineland, Bloomfield, and Chatham, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Wednesday Morning Club, of Cranford, N. J., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Elizabeth and Riverton, of the College Woman's Club of Essex County, and of the congregation of the Bethany Lutheran Church, of West Hoboken, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. BURNHAM presented a petition of sundry citizens of Seabrook, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Concord and Dover, and of the New Hampshire State Grange, Patrons of Husbandry, of Peterboro, all in the State of New Hampshire, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. DEPEW presented petitions of sundry citizens of Mount Vernon, Hulburton, Middleport, Newfane, and Manlius, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. STONE presented a petition of the Nineteenth Annual Convention of the Southwestern Lumbermen's Association of Kansas City, Mo., praying for the enactment of legislation for relief from car shortage, and also for the enactment of a national reciprocal demurrage law; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Gasconade County, Mo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of Typographical Union No. 8, American Federation of Labor, of St. Louis, Mo., relative to the arrest and imprisonment of Charles Moyer, William Heywood, and George Pettibone, of the Western Federation of Miners; which was referred to the Committee on the Judiciary.

He also presented memorials of the Business Men's League of St. Louis, of sundry citizens of Atlanta, of the Commercial Club of Montgomery City, of the Commercial Club of Carthage, and of the Manufacturers and Merchants' Association of Kansas City, all in the State of Missouri, remonstrating against any reduction being made in the appropriations for carrying the United States mails; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DU PONT. I present a concurrent resolution of the legislature of Delaware relative to the right of Hon. REED SMOOT to a seat in the Senate. I ask that the concurrent resolution be read and lie on the table.

There being no objection, the concurrent resolution was read, and ordered to lie on the table, as follows:

HOUSE CONCURRENT RESOLUTION.

Resolved by the house of representatives of the State of Delaware in general assembly met (the senate concurring therein), That the general assembly requests our United States Senators to use every honorable means to prevent the seating of the Hon. REED SMOOT as a United States Senator from the State of Utah.

RICHARD HODGSON,
Speaker of the House of Representatives.
ISAAC T. PARKER,
President of the Senate.

Mr. DU PONT presented a petition of sundry citizens of Cheswold, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of sundry citizens of Bay Center, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LONG presented sundry petitions of citizens of Newton, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a concurrent resolution of the legislature of the State of Kansas, in favor of the enactment of legislation to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which was referred to the Committee on Interstate Commerce.

He also presented a concurrent resolution of the legislature of the State of Kansas, in favor of the enactment of legislation to extend the pension laws of the United States to the Kansas State Militia who rendered service from April 13, 1861, to April 9, 1865; which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of sundry citizens of Varralton, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of the Baker Brothers Engraving Company, of Omaha, Nebr., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Republican City, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Union Veterans' Union, of Omaha, Nebr., praying for the enactment of legislation to place all surviving officers of the Volunteer Army of the civil war on the retired list; which was referred to the Committee on Military Affairs.

Mr. KNOX presented petitions of Charles E. Potts, of Stafford; W. J. Wray, of Philadelphia; W. R. Wooters, of Philadelphia; Frank H. Zinn, of Newport; Charles T. Gravatt, of Philadelphia, all in the State of Pennsylvania, and of Edgar T. Gaddis, John W. Morris, and J. B. Cralle & Co., of Washington, D. C., praying for the enactment of legislation providing that pension attorneys be allowed to accept a reasonable fee for services rendered under the act of February 6, 1907; which were referred to the Committee on Pensions.

He also presented memorials of William H. Child Post, No. 226, Grand Army of the Republic, of Marietta; George A. McCall Post, No. 31, Grand Army of the Republic, of West Chester; Phelps Post, No. 124, Grand Army of the Republic, of East Smithfield; Samuel W. Lascomb Post, No. 351, Grand Army of the Republic, of Steelton; William H. Byers Post, No. 612, Grand Army of the Republic, of Beaver Springs; George H. Hess Post, No. 571, Grand Army of the Republic, of Safe Harbor; Admiral Du Pont Post, No. 24, Grand Army of the Republic, of Philadelphia; E. T. Conner Post, No. 177, Grand Army

of the Republic, of Summit Hill; Perkins Post, No. 202, Grand Army of the Republic, of Athens; D. B. Birney Post, No. 63, Grand Army of the Republic, of Philadelphia; Post No. 77, Grand Army of the Republic, of Philadelphia, all in the State of Pennsylvania, remonstrating against the enactment of legislation abolishing pension agencies throughout the country; which were ordered to lie on the table.

He also presented petitions of W. F. Hill, of Chambersburg; Ralph E. Myers, of State College; John Marshall, of Philadelphia; John H. Graham, of Philadelphia; John B. Stetson Company, of Philadelphia; Globe Varnish Manufacturing Company, of Pittsburg; Lehigh Valley Testing Laboratory, of Allentown; Charles B. Dudley, of Altoona; American Chair Manufacturing Company, of Hallstead; Quaker City Metallic Bedstead Company, of Philadelphia; George C. Davis, of Philadelphia; Robert Rawsthorne Engraving Company, of Pittsburg; H. S. Eckles & Co., of Philadelphia; The Yeager Furniture Company, of Allentown; James O. Handy, of Pittsburg; Doubleday-Hill Electric Company, of Pittsburg; The Westinghouse Machine Company, of East Pittsburg; Smith, Kline & French Company, of Philadelphia; The Chaplin-Fulton Manufacturing Company, and H. Kleber & Bro., of Pittsburg, all in the State of Pennsylvania, praying for the adoption of certain amendments to the present denatured-alcohol bill; which were referred to the Committee on Finance.

He also presented memorials of the Novelty Candy Company, of Pittsburg; Croft & Allen Company, of Philadelphia; Stephen F. Whitman & Son, of Philadelphia; The D. Bacon Company, of Harrisburg; W. H. Luden, of Reading; Quaker City Chocolate and Confectionery Company, of Philadelphia; J. K. McKee Company, of Pittsburg; George Miller & Son Company, of Philadelphia, all in the State of Pennsylvania, remonstrating against the enactment of legislation conferring upon the Secretary of Agriculture the right to fix certain food standards; which were referred to the Committee on Manufactures.

He also presented petitions of sundry citizens of Pittsburg; sundry citizens of Athens; the Woman's Foreign Missionary Society of Christ Methodist Episcopal Church, of Pittsburg; Covenant United Brethren Church, of Lancaster; of sundry citizens of Gans, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of George W. Spies, of Dauphin; G. D. Swingle, of Ariel; Mary Osgood, of Ariel, all in the State of Pennsylvania, remonstrating against the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of S. E. Hambleton, of West Grove; Charles A. McCluskey, of West Middlesex, both in the State of Pennsylvania, and P. J. Mahon and G. R. Hische, of Chicago, Ill., praying for the passage of the so-called "Crumpacker bill" relating to postal fraud orders; which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented sundry petitions of citizens of North Carolina, praying for the adoption of certain amendments to the present denatured alcohol law; which were referred to the Committee on Finance.

Mr. SPOONER presented petitions of sundry citizens of Milwaukee, Racine, and Eau Claire, all in the State of Wisconsin, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. WARNER presented petitions of sundry citizens of Kansas City and St. Louis, Mo., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented the memorial of J. Lew Comer, of Claremore, Ind. T., remonstrating against the adoption of any amendment to the act of April 26, 1906, relative to the enrollment of Indian children born since September 1, 1902, and providing for their receiving their proportionate part of the lands of the Cherokee Nation; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Bowling Green, Mo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of St. Louis, Mo., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BULKELEY presented petitions of sundry citizens of New Milford, Danbury, Bridgeport, Norwalk, and Torrington, all in the State of Connecticut, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Torrington, Conn., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a memorial of the ninth legislature of the State of Wyoming, in favor of the enactment of legislation to permit the State of Wyoming to relinquish to the United States certain lands heretofore selected and to select other lands in lieu thereof; which was referred to the Committee on Public Lands.

Mr. PILES. I present a memorial of the legislature of the State of Washington, which I ask may be printed in the RECORD, and referred to the Committee on Commerce.

The memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

House memorial No. 1.

To the Congress of the United States:

The legislature of the State of Washington herewith presents this memorial in respect to the improvement of the Columbia and Snake rivers and calls the attention of Congress to the following facts in support of the petition to be made:

1. Extent, resources, productions, and population of territory that will be opened by steamboat navigation to Kettle Falls, on the Columbia, and Lewiston, on the Snake.

Inspection of the map will show that a region of approximately a hundred thousand square miles is commercially tributary to the upper Columbia River and its branches. According to reports of the Agricultural Department, this region contains the most productive grain fields in the United States, while it is a matter of common knowledge that the horticultural, pastoral, forestry, and mineral resources of the section under consideration are surpassed by none and equaled by few in the United States.

It is estimated that one-tenth of the wheat of the United States is produced in this region. Conservative estimates of the amount of wheat and mill stuffs transported from the inland empire to the seaboard for some years past indicate about 40,000,000 bushels annually. A single county (Yakima) has exported in one year an amount of fruit and vegetables estimated at 3,000 carloads.

The capacity of the country to maintain population is sufficiently indicated by the rapid increase of a few years past. The Federal census of 1890 shows a population in eastern Washington of 120,450, while the population in 1905 is estimated by the State bureau of immigration at 339,079, a gain of nearly 300 per cent. Increase in eastern Oregon and Idaho is not far from the same. It would be safe to estimate the present population of eastern Oregon, eastern Washington, and northern Idaho at 600,000. The estimated valuation of the State of Washington at the present time is over $1,000,000,000, of which over a third is in the eastern part. The valuation of the inland empire may be stated approximately at half a billion dollars. With this exhibit of the population and wealth of this region, it should be added that its development has but begun. Vast areas, rich in every resource, are still a wilderness. Over a million acres of fertile desert land susceptible to irrigation and better adapted to intensive culture than any similar land yet remaining in the United States, but now mainly uninhabited, is immediately contiguous to the Columbia River.

2. The freight rates as compared with those in regions having water competition.

A few figures will show the tremendous handicap under which this region labors in respect to freight rates. A comparison of all-rail rates with all-water rates up to January 1, 1907:

	Miles.	Classes.									
		1.	2.	3.	4.	5.	A.	B.	C.	D.	E.
St. Louis to St. Paul by water..	582	0.63	0.52½	0.42	0.26	0.21	0.26	0.21	0.18	0.15	0.13½
St. Louis to Oklahoma City by rail	543	1.30	1.09	.97	.84	.67	.65	.53	.40	.37	.29
Portland to Walla Walla by rail.	245	1.14	.99	.79	.69	.59	.52	46	.36	.26	.20

For short hauls up to January 1, 1907:

	Miles.	Classes.									
		1.	2.	3.	4.	5.	A.	B.	C.	D.	E.
St. Louis to Hannibal by water.	120	0.28	0.22	0.17	0.12	0.09	0.11	0.10	0.09	0.07½	0.063
St. Louis to Centralia by rail...	124	.47	.36	.26	.21	.16	.18	.15	.13	.11	.09
Walla Walla to Glenwood, Wash., by rail	122	.70	.60	.49	.42	.35	.35	.28	.21	.18	.14

The above figures show that the rates from Portland to Walla Walla were about four times as much as those by water on the Mississippi, and about twice as much as those by rail in the Mississippi Valley. Much of the same difference prevails between points in the inland empire not having water competition and those on the lower Columbia or Puget Sound.

For instance, we may compare rates from Portland to The Dalles, under water competition, with those from Portland to Umatilla, where there was no steamboat competition, as follows:

Rates per ton in carload lots.

	Miles.	Salt.	Sugar.	Canned goods.	Grain.
Portland to The Dalles	88	$1.50	$2.00	$2.00	$1.50
Portland to Umatilla	187	7.50	10.20	10.20	3.00

The local rates given in both the above tables were somewhat reduced by changes going into effect on January 1, 1907, as a result of the competition of the Portage Railway at Celilo, and the steamboats running in connection with it, although the service was inadequate on account of rapids above Celilo.

3. Benefits accruing by reason of what has already been done toward opening the country to water competition:

The chief work thus far done is the Federal canal at the Cascades, between Portland and The Dalles. This canal opened but a relatively small region to seaboard connection—not a twentieth part of what will be opened by the Celilo Canal and the other improvements on the upper river. Nevertheless, it has had so marked an effect upon rates within the sphere of its operation as to constitute an overwhelming argument in favor of continued river improvement.

The following table exhibits the rates per ton in carload lots from Portland to The Dalles (88 miles) before and after the establishment of water competition through the Cascade Canal:

	Before.	After.
Salt	$5.20	$1.50
Sugar	6.20	2.00
Canned goods	6.20	2.00
Nails	6.20	2.00
Grain	2.70	1.50

In this connection and remembering that the country contiguous to the Cascade Canal is but a small fraction of the inland empire, the following statement of traffic at the canal from January 1, 1905, to October 31, 1905, is of value:

Number of lockages	1,038
Tons of freight carried	30,528
Passengers carried	111,113

If such an exhibit can be made at this stage of development, what may be expected when the entire vast inland empire seeks a water outlet at this point?

Next in importance in the way of river improvement is the Portage Railway at Celilo, near the location of the proposed canal. This railway was built by the State of Oregon, and during two seasons past has been operated in connection with steamboats on upper and lower river. Owing to unprecedented low water, difficulty of procuring steamboats, and lack of warehouse facilities the work of railway and steamboats was much hampered and results were not equal to what was hoped for. Yet, in spite of these difficulties, the effects of this initial work were so marked as to be an earnest of what may be expected when the river is fully opened, and they constitute an unanswerable argument for the speedy completion of the Celilo Canal.

From the report of Frank J. Smith, superintendent of the Open River Transportation Company, dated December 31, 1906, we learn that considerable reductions were made by rail to meet the rates at whatever points could be reached by steamboats.

It may be added that thousands of sacks of wheat were offered the boats, but on account of difficulties named above could not be handled. In addition to the above figures, we may call special attention to the following comparison as one of extreme significance: The reductions to Walla Walla on January 1, 1907, are 5 cents, 8 cents, 2 cents, and 4 cents per hundredweight on first, second, third, and fourth class goods, respectively, while to Wallula the corresponding reductions are 13, 14, 7, and 7 cents, respectively, on the four classes.

What makes such a difference? Obviously the fact that Wallula is on the river, while Walla Walla is 30 miles from it. As soon as the latter city has its expected trolley connections, it will receive like general reductions. The above exhibit is sufficient to demonstrate the efficacy of river improvement to compel rate reductions on railroads.

We may add that the Open River Transportation Company is expecting to place several new first-class steamboats on the river in the near future. They, in conjunction with the Portage Railway, will still further make the demonstration called for by the Government that the river will be used and that its use will be of practical benefit to this section. Where the rivers are made safely navigable to the highest points there will be a thousand miles of continuous navigation, but it is to be remembered that the Portage Railway is but a temporary expedient, requiring rehandling of all freights and constructed for leading to the completion of the Celilo Canal and the other lesser improvements.

4. Benefits, financial and otherwise, to accrue from the open river: We have just shown the saving in cost of transportation by the partial improvements already made. Analysis of these figures and conditions warrants the conclusion that the inland empire would save from four million to six million dollars every year by the complete improvements of an open river.

There might be a saving of $2,000,000 a year on wheat and its products alone. Congressman JOSEPH E. RANSDELL, in an address before the Chamber of Commerce at Spokane on September 4, 1906, estimated that the region tributary to Spokane would save $6,000,000 yearly by the open rivers. Such saving would be effected not alone by steamboat traffic, but by the necessity imposed upon railroads to lower their own rates to meet water competition. The open river will be the great arbiter of rates. We ask you to note in this connection the important fact that electric railways, independent of the steam roads, are in process of construction or projected in and around Spokane, Walla Walla, Yakima, Pendleton, and Lewiston, which will reach river points and by cooperation with steamers will give independent connection with the seaboard. The steamboat and the trolley are complementary parts of one vast movement. But not alone is the pecuniary benefit of the open river of moment to our section. Even more important is the commercial independence to be secured. The inland empire is at present subject to the dictation of the great transportation lines. With free rivers we shall secure the greatest need of an American community—commercial freedom.

5. What the States concerned are doing.

We ask you to note this fact: The State of Oregon has already appropriated $190,000 for the construction and maintenance of the Portage Railway, and $100,000 for the right of way for the Celilo Canal. About $40,000 has been given by individuals in Oregon and Washington for the same ends. The State of Washington stands ready to cooperate with the Government in any way possible to aid in accomplishing the great task.

We ask the Congress to rest assured that the people of this State are alive to the vast benefits of the proposed work. We believe that while primarily of benefit to the Pacific Northwest, yet in view of the prospective commerce of the Pacific Ocean and the untold magnitude of the interests resulting therefrom, the opening of the Columbia River will be of immeasurable advantage to our entire nation.

6. The method of construction.

We wish to express in conclusion the sentiment that a single appropriation large enough to meet the estimated cost of the work would accomplish the needs far better than small appropriations, given from time to time, and measurably wasted through lack of continuity of plan. This work has already been favorably reported by Government engineers and by Secretary of the Treasury. Congress has already committed itself to the undertaking. Would it not be the best policy to accept the work and estimates of the competent engineers, place at the disposal of the department in charge a sufficient sum to complete it at once, and thus remove the matter from the domain of political action, and regard it a settled matter to be pressed to the speediest possible conclusion? Is there any possible reason for spending time in considering it at each session of Congress and dragging it on from year to year, when the other policy might insure its completion within two or three years?

Moreover, the experience of the Government seems to prove conclusively that the contract system insures far more rapid and satisfactory results than any other. That method is employed on the Panama Canal. We earnestly hope that Congress will apply the same method to the improvement so fraught with advantage to the Pacific Northwest. It is safe to say that within three years at the most the saving on freights in the inland empire will more than counterbalance all the expense of making our great rivers navigable at all seasons throughout the major portion of their extent, and that means an amount of navigable water second only to the Mississippi among the river systems of the United States.

Your attention is furthermore called to the confessed inability of the railways to provide transportation sufficient for the growing demands of commerce, a fact attested by the fuel famine prevailing throughout the Northwest, by failure to move wheat from the interior to the sea or lumber from the seaboard to the interior, and the general paralysis of trade resulting. Relief must come, if it come at all, by improvement of our waterways, a fact so patent as to defy contradiction.

In view of the facts presented above, your memorialists, the members of the legislature of Washington, do hereby petition the Congress of the United States to consider favorably the appropriation of a sufficient sum to complete without interruption and at earliest date, by contract, the work of rendering the Columbia River to Kettle Falls and Snake River to Lewiston navigable for steamboats at all seasons of the year.

Passed by the house of representatives January 28, 1907.

J. A. FALCONER,
Speaker of the House.

Passed by the senate January 30, 1907.

CHARLES E. COON,
President of the Senate.

Filed in the office of the secretary of state February 13, 1907, at 3 p. m.

SAM. H. NICHOLS, *Secretary of State,*
By BEN. R. FISH, *Assistant Secretary.*

Mr. LODGE presented a petition of sundry citizens of South Framingham, Mass., praying for the passage of the so-called "Crumpacker bill," relating to postal fraud orders; which was referred to the Committee on the Judiciary.

He also presented a memorial of 27 citizens of Newburyport, Mass., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Boston, Worcester, and Haverhill, all in the State of Massachusetts, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

ORDER OF BUSINESS.

Mr. LODGE. I desire to give notice that on the conclusion of the vote, under the unanimous-consent agreement, that is to be taken at 4 o'clock, I shall ask the Senate to go into executive session.

Mr. HALE. I do not want the notice of the Senator to be considered as in any way cutting out the pending appropriation bill, that has already taken three days. We ought to finish it before going to anything else. However, I am willing to leave that entirely to the condition of things when the special order is disposed of.

Mr. LODGE. Of course I do not desire to delay the appropriation bill, but it is necessary that we should have an executive session for a few moments. I do not think it will delay the bill materially.

The VICE-PRESIDENT. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the letter from the Acting Secretary of State, relative to a joint resolution authorizing the President to extend an invitation to the International Congress of Hygiene and Demography to hold its thirteenth session at Washington, to report a joint resolution.

The joint resolution (S. R. 93) authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington was read twice by its title.

Mr. LODGE. I ask for the present consideration of the joint resolution.

Mr. HALE. To-day has been set apart for the consideration of the special order. However, the Senator from Michigan is himself here.

Mr. LODGE. Very well; I will let the joint resolution go to the Calendar.

The VICE-PRESIDENT. The joint resolution will go to the Calendar.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 22338) to bridge Bayou Bartholomew, in Louisiana, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 25611) to authorize the Burnwell Coal and Coke Company to construct a bridge across the Tug Fork of Big Sandy River, reported it without amendment.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 569) granting a pension to Edith A. Hawley, to report it adversely, and I submit a report thereon. I ask that the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8526) permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river, to report it without amendment, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

Mr. BURROWS. I ask the Senator to let the bill go to the Calendar, in view of the order for to-day.

Mr. NELSON. Very well.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (H. R. 24655) to authorize the legislature of Oklahoma to dispose of a certain section of school land, reported it without amendment.

Mr. HANSBROUGH, from the Committee on Finance, to whom was referred the bill (H. R. 10305) to provide for the repayment of certain customs dues, reported it with amendments.

Mr. FULTON, from the Committee on Public Lands, to whom was referred the bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 19589) granting a pension to Aaron Davis, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 21910) granting a pension to Emil S. Weisse;

A bill (H. R. 24220) granting an increase of pension to William P. Robbe;

A bill (H. R. 22763) granting an increase of pension to Charles H. Slocum;

A bill (H. R. 22785) granting an increase of pension to Morton A. Pratt;

A bill (H. R. 22788) granting an increase of pension to Isaac B. Gilmore;

A bill (H. R. 22798) granting an increase of pension to George W. Robinson;

A bill (H. R. 22801) granting an increase of pension to Robert McMillen;

A bill (H. R. 22823) granting an increase of pension to John Tipton;

A bill (H. R. 22859) granting an increase of pension to Samuel Boyd;

A bill (H. R. 22863) granting an increase of pension to Oscar A. Fuller;

A bill (H. R. 22894) granting an increase of pension to Louisa Berry;

A bill (H. R. 22947) granting an increase of pension to Benjamin F. Sibert;

A bill (H. R. 22949) granting an increase of pension to George W. Wells;

A bill (H. R. 22950) granting an increase of pension to Hezekiah Poffenberger;

A bill (H. R. 22964) granting an increase of pension to Eudocia Arnett;

A bill (H. R. 22986) granting an increase of pension to George W. Beeny;

A bill (H. R. 22987) granting an increase of pension to John D. Lane;

A bill (H. R. 22988) granting an increase of pension to Benjamin F. Horton;

A bill (H. R. 23414) granting an increase of pension to Joseph Riddle;

A bill (H. R. 23426) granting an increase of pension to John S. Bergen;

A bill (H. R. 23440) granting a pension to Carrie May Allen;

A bill (H. R. 23443) granting an increase of pension to Louisa R. Matthews;

A bill (H. R. 23467) granting an increase of pension to Michael Flanagan;

A bill (H. R. 23609) granting an increase of pension to Samuel P. Wallis;

A bill (H. R. 23626) granting an increase of pension to Richard C. Taylor;

A bill (H. R. 23627) granting an increase of pension to William B. Walton;

A bill (H. R. 23628) granting an increase of pension to Clara E. Daniels; and

A bill (H. R. 23660) granting an increase of pension to Harriet U. Burgess.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 23150) granting an increase of pension to Samuel H. W. Riter;

A bill (H. R. 23673) granting an increase of pension to John T. Grayson;

A bill (H. R. 23675) granting an increase of pension to Watson F. Bisbee;

A bill (H. R. 23677) granting an increase of pension to John D. Dryden;

A bill (H. R. 23682) granting an increase of pension to Joseph R. Bartlett;

A bill (H. R. 23685) granting an increase of pension to Robert Brake;

A bill (H. R. 23698) granting an increase of pension to William H. Wyman;

A bill (H. R. 23709) granting an increase of pension to James M. Dick;

A bill (H. R. 23729) granting an increase of pension to John Vandegrift;

A bill (H. R. 23732) granting an increase of pension to Rosanna Kaogan;

A bill (H. R. 23733) granting an increase of pension to Gifford M. Bridge;

A bill (H. R. 23744) granting an increase of pension to John O. Cravens;

A bill (H. R. 23748) granting an increase of pension to Emily J. Vanbeber;

A bill (H. R. 23751) granting an increase of pension to Charles D. Moody;

A bill (H. R. 23763) granting an increase of pension to James Riley;

A bill (H. R. 23791) granting an increase of pension to Calvin B. Fowlkes;

A bill (H. R. 23797) granting an increase of pension to James D. Tomson;

A bill (H. R. 23802) granting an increase of pension to Thomas J. Brown;

A bill (H. R. 23806) granting an increase of pension to William F. Barker;

A bill (H. R. 23834) granting an increase of pension to Samuel Langmaid; and

A bill (H. R. 23849) granting an increase of pension to Charles A. Mathews.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 23031) granting an increase of pension to John H. Terry;

A bill (H. R. 23034) granting an increase of pension to Thomas A. Snoddy;

A bill (H. R. 23148) granting an increase of pension to Robert Liddell;

A bill (H. R. 23175) granting an increase of pension to Henry A. Fuller;

A bill (H. R. 23280) granting an increase of pension to Bartholomew Burke;

A bill (H. R. 23282) granting an increase of pension to John W. Tumey;

A bill (H. R. 23311) granting an increase of pension to Jeremiah Burke;

A bill (H. R. 23312) granting an increase of pension to William Lewis;

A bill (H. R. 23313) granting an increase of pension to Benjamin D. Reed;
A bill (H. R. 23323) granting an increase of pension to Robert Foote;
A bill (H. R. 23332) granting an increase of pension to Uriah Blair;
A bill (H. R. 23360) granting an increase of pension to Robert Hastie;
A bill (H. R. 23407) granting an increase of pension to Hurd L. Miller;
A bill (H. R. 23411) granting an increase of pension to George H. Martin; and
A bill (H. R. 22170) granting an increase of pension to Benjamin James.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 22328) granting an increase of pension to Susan Baker;
A bill (H. R. 17814) granting an increase of pension to Simon E. Chamberlin;
A bill (H. R. 22696) granting a pension to Charles F. Ellingwood;
A bill (H. R. 22329) granting an increase of pension to Margaret L. James;
A bill (H. R. 22330) granting an increase of pension to Mary C. Jones;
A bill (H. R. 22392) granting an increase of pension to Eugene W. Rolfe;
A bill (H. R. 22395) granting a pension to Edward Miller;
A bill (H. R. 22426) granting an increase of pension to Louisa E. Robertson;
A bill (H. R. 22441) granting an increase of pension to Jacob Mose;
A bill (H. R. 22468) granting an increase of pension to William Kelso;
A bill (H. R. 22503) granting an increase of pension to William A. Clarke;
A bill (H. R. 22529) granting an increase of pension to William Truett;
A bill (H. R. 22540) granting an increase of pension to Richard Turnbull;
A bill (H. R. 22547) granting an increase of pension to John Hickcox, jr.;
A bill (H. R. 22548) granting an increase of pension to Franklin H. Davis;
A bill (H. R. 22562) granting an increase of pension to George J. Abbey;
A bill (H. R. 22592) granting an increase of pension to Andrew J. Frayer;
A bill (H. R. 22613) granting an increase of pension to Isaac G. McKibban;
A bill (H. R. 22617) granting an increase of pension to Margaret O'Reilly;
A bill (H. R. 22629) granting an increase of pension to Josiah N. Pratt;
A bill (H. R. 22630) granting an increase of pension to George Wiley;
A bill (H. R. 22650) granting an increase of pension to Thomas T. Baldwin;
A bill (H. R. 22701) granting an increase of pension to James R. Fairbrother;
A bill (H. R. 22703) granting an increase of pension to Benjamin F. Richards;
A bill (H. R. 22707) granting an increase of pension to Sebastian Gerhardt; and
A bill (H. R. 22727) granting an increase of pension to John Miller.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 21788) granting an increase of pension to Satina A. Waymer;
A bill (H. R. 21818) granting an increase of pension to William Hardesty;
A bill (H. R. 21827) granting an increase of pension to Francis Murray;
A bill (H. R. 21899) granting an increase of pension to Catharine Koch;
A bill (H. R. 21911) granting an increase of pension to George Newton;
A bill (H. R. 21914) granting an increase of pension to Ferdinand Pahl;
A bill (H. R. 21974) granting an increase of pension to John W. Lowell;
A bill (H. R. 21983) granting an increase of pension to James E. Pusey;
A bill (H. R. 19239) granting a pension to Salome Jane Marland;
A bill (H. R. 22041) granting a pension to John P. Walker;
A bill (H. R. 22055) granting an increase of pension to Maria Lorch;
A bill (H. R. 22063) granting an increase of pension to Horace F. Packard;
A bill (H. R. 22086) granting a pension to Amelia Schmidtke;
A bill (H. R. 22093) granting an increase of pension to Lars Isaacson;
A bill (H. R. 22165) granting an increase of pension to John Hand;
A bill (H. R. 22175) granting an increase of pension to Charles Prendeville;
A bill (H. R. 22169) granting an increase of pension to Cynthia M. Bryson;
A bill (H. R. 22199) granting an increase of pension to William Templin;
A bill (H. R. 22216) granting an increase of pension to Griffin A. Coffin;
A bill (H. R. 22251) granting an increase of pension to Samuel Manly;
A bill (H. R. 22260) granting an increase of pension to James E. Bissell;
A bill (H. R. 22294) granting an increase of pension to Perry Lamphere;
A bill (H. R. 22302) granting an increase of pension to Burrell H. Gillam;
A bill (H. R. 22326) granting an increase of pension to Mary Levina Williams; and
A bill (H. R. 22327) granting an increase of pension to Isabel Manney.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 7889) for the relief of certain settlers on the public lands, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. BRANDEGEE, from the Committee on Indian Affairs, to whom was referred the bill (S. 6754) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. PERKINS introduced a bill (S. 8532) to provide for an additional district judge for the northern district of California; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DOLLIVER introduced a bill (S. 8533) to authorize the Court of Claims to hear, determine, and adjudicate the claims of the Sac and Fox Indians of the Mississippi in Iowa, against the Sac and Fox Indians of the Mississippi in Oklahoma, and the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WARREN introduced a bill (S. 8534) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CURTIS introduced a bill (S. 8535) for the relief of certain white persons who intermarried with Cherokee citizens; which was read twice by its title, and referred to the Committee on Indian Affairs.

WITHDRAWAL OF PAPERS—THOMAS H. LESLIE.

On motion of Mr. MILLARD, it was

Ordered, That the papers accompanying Senate bill 6721, of this session of Congress, for the relief of Thomas H. Leslie, be withdrawn from the files of the Senate, there having been no adverse report thereon.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 22599. An act to grant certain lands to the city of Boulder, Colo.; and

H. R. 24134. An act providing for the granting and patenting to the State of Colorado desert lands formerly in the Southern Ute Indian Reservation in Colorado.

H. R. 25039. An act to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company and to extend and improve said plant, was read twice by its title, and referred to the Committee on Territories.

H. R. 25570. An act to amend an act approved May 8, 1906, entitled "An act to amend section 6 of the act approved February

8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,'" was read twice by its title, and referred to the Committee on Indian Affairs.

H. R. 25627. An act to authorize the county of Armstrong, in the State of Pennsylvania, to construct a bridge across the Allegheny River, in Armstrong County, Pa., was read twice by its title, and referred to the Committee on Commerce.

H. J. Res. 223. Joint resolution relating to the holders of medals of honor was read twice by its title, and referred to the Committee on Military Affairs.

INDIAN LANDS IN WISCONSIN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2787) to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin."

The amendment was, in line 9, after "reservation," to insert "whether born before or after the passage of said act."

Mr. SPOONER. Let the amendment lie on the table for the time being.

The VICE-PRESIDENT. It will lie on the table.

SENATOR FROM UTAH.

The VICE-PRESIDENT. The morning business is closed; and the Chair, in accordance with the unanimous-consent agreement of January 30, lays before the Senate the resolution, which will be read.

The SECRETARY. Senate resolution 142, reported by Mr. BURROWS, from the Committee on Privileges and Elections, as follows:

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. DUBOIS obtained the floor.

Mr. HOPKINS. Mr. President, before any debate is had to-day on the resolution I should like to have some arrangement made with the senior Senator from Michigan with reference to the division of time.

Mr. BURROWS. What understanding would the Senator like to have?

Mr. HOPKINS. I should like to have the time equally divided between the friends and the opponents of the resolution.

Mr. BURROWS. I should hardly think that would be proper. I had thought that I might have the privilege of closing the debate, and I should like to have an hour and a half. I should judge from what I know of those who expect to speak that there will be ample time for all, leaving that time for myself.

Mr. HOPKINS. How many speakers will there be on the side of the resolution?

Mr. BURROWS. I do not know.

Mr. HOPKINS. As to the arrangement about closing the debate, I have no objection to that, but there are several Senators who want to speak, and unless we have an arrangement in advance they might be crowded out of their time.

Mr. BURROWS. Any arrangement will be satisfactory to me.

Mr. HOPKINS. I suggest, then——

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Georgia?

Mr. HOPKINS. Certainly.

Mr. BACON. I simply wish to make a suggestion. There ought to be such an arrangement of time as would give almost anyone who might wish to say a few words an opportunity so to do. I think the suggestion of the Senator from Michigan that he should be allowed ample time to conclude the case is entirely a reasonable and proper one. I suppose that will be generally conceded. I do not know how it may be with all Senators, but I suppose the large majority of them would simply desire a very short time in order that their position may not be misunderstood. For myself I will not desire over ten or fifteen minutes, and I think the time ought to be so divided that those who desire to briefly express the reasons for their votes may have the opportunity so to do.

We have had several weeks of time in which Senators who had extended remarks to make possibly had an opportunity so to do. How many there may be who to-day desire to make extended remarks I do not know, and I am only interested to this extent, that there may be such limitation of time, at least as to a part of the time, that those of us who may desire to say a very few words may have the use of it.

Mr. SPOONER. It is generally understood that upon a subject such as the one here involved, or any matter of large importance, the members of the committee having it in charge shall have the first opportunity—and that is very proper and in the interest of the Senate—to make an exposition of their views. The debate thus far has been confined, I think, solely, except as to the speech of the Senator from Utah [Mr. SMOOT], to the members of the committee. I think the chairman of the committee ought to close the debate, and he ought to have ample time; but there are a number of Senators—and I am included in that number—who desire to briefly explain the vote which they intend to cast on this matter, and it ought to be arranged in some way, as suggested by the Senator from Illinois, so as to afford that opportunity. It is a matter of very grave concern; it is a matter which has created very great and almost universal interest in the country, and a matter as to which, I think, a very great deal of prejudice has been engendered in one way and another. I wish briefly to explain my position upon it, and I think other Senators wish to do the same, and they ought to have an opportunity.

Mr. BURROWS. Will the Senator from Wisconsin yield to me for a moment?

Mr. SPOONER. Certainly.

Mr. BURROWS. I think there will be no difficulty whatever about it. The Senator from Idaho [Mr. DUBOIS] advises me that he will not take more than thirty minutes, and the Senator from Illinois [Mr. HOPKINS] does not care to speak. The Senator from Indiana [Mr. BEVERIDGE] says he will not occupy over thirty minutes, or three-quarters of an hour at the most. The Senator from Idaho [Mr. DUBOIS] will desire to occupy half an hour or more perhaps——

Mr. DUBOIS. Not more.

Mr. BURROWS. And the Senator from North Dakota [Mr. HANSBROUGH] thirty minutes.

Mr. HANSBROUGH. Fifteen minutes.

Mr. HOPKINS. I will state to the Senator from Michigan that the junior Senator from Iowa [Mr. DOLLIVER] desires to have twenty or thirty minutes.

Mr. BURROWS. Yes. It seems to me that all who desire to talk can be accommodated and leave me an hour and a half for such close of the debate as I may desire to make.

Mr. HOPKINS. I think the more equitable way would be a division of the time.

Mr. BACON. I wish to suggest to the Senator from Michigan that if many Senators are to occupy half an hour there will certainly not be much opportunity for those who desire ten or fifteen minutes. A number of Senators may wish to say briefly a few words while other Senators may have made preparation for addresses. The Senator from Indiana I understand desires to speak, and the Senator from Idaho.

Mr. DUBOIS. Very briefly.

Mr. BURROWS. May I make a suggestion?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. BACON. I do.

Mr. BURROWS. We are losing valuable time. The Senator from Idaho has been recognized, and suppose we hear him now, and in the meantime we will see what arrangement can be made.

Mr. HOPKINS. I think the more equitable way of adjusting this matter would be right now, before we embark on the debate at all, to divide the time equally. The Senator from Michigan and those who favor the resolution can divide the two hours and a quarter that they have in such a manner as they may see fit, and those who are opposed to the resolution can divide the time amongst the Senators who desire to express themselves against the resolution. I think if we make an agreement that the time shall be divided in that way we can among ourselves apportion the time without any trouble.

Mr. CLAPP. Mr. President, the statement of the Senator from Michigan would leave only twenty-five minutes for all the Senate outside of those whom he has enumerated as intending to speak, and the time that he has stated would be approximately consumed by them. I do not think that is a fair proposition.

Mr. BURROWS. I renew my suggestion that the Senator from Idaho be permitted to proceed, and in the meantime we will make some arrangement.

Mr. HOPKINS. I ask unanimous consent that the time between the present and 4 o'clock, when we are to vote on the resolution and the amendments, be equally divided between the opponents and the friends of the resolution, and that the Senator from Michigan control the time in favor of the resolution on his side.

Mr. DUBOIS. Mr. President, I object. I will very gladly yield my time to the Senator from Illinois or any other one who desires to speak on that side of the question.

Mr. HOPKINS. I will say to the Senator that he does not confer any favor upon me at all.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Illinois.

Mr. HOPKINS. I do not want any of the time that is allowed to the other side, and I do not make the suggestion to get any time to speak. I have spoken already on this subject, and I am content to stand upon the record that I have made; but there are members of the Senate who have not been heard upon this side.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded by the Senator from Maine. The Chair has recognized the Senator from Idaho.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. DUBOIS. Certainly.

Mr. MONEY. By the favor of the Senator, though I rose to address the Chair before in my own right, I object to the proposition made on the other side. I do not know whether it has been accepted or not. I do not know whether anyone can accept it; but I object to any proposition that permits any Senator to farm out any time whatever. Let him speak in his own time as much as he pleases to speak, and then let him take his seat. I object to any such proposition. It is a system that obtains in the House, where they have no parliamentary law.

The VICE-PRESIDENT. The Senator from Idaho will proceed.

Mr. DUBOIS. Mr. President, I have listened with much amazement to the speeches of the Senators who have advocated that the Senator from Utah should retain his seat. The Senator from Illinois [Mr. HOPKINS], the Senator from Vermont [Mr. DILLINGHAM], and the Senator from Pennsylvania [Mr. KNOX], spoke as technical lawyers. They treated this case as though the Senator from Utah was on trial for horse stealing. They resorted to all the methods, I should think, known to those who are trying a lawsuit on technical grounds. Apparently they mistook the charges which were preferred against the Senator from Utah. They insisted on trying him for being a polygamist, a charge not made against him.

Our contention is that the Mormon Church as an organization is so un-American, so lawbreaking, and law defying that he, on account of his position in it, is not fit to represent, he does not possess the qualification to represent, the people of the United States in this Chamber. These lawyer Senators misstated facts. They may not have known that they did, because it is plain that they are not familiar with the testimony or, if familiar, purposely ignored facts which bore directly on the subject. I will point out some of these facts and their misstatements.

The Senator from Illinois [Mr. HOPKINS] pictured the Mormon organization as better than any other church in the country. No one could have listened to his speech, no one can read his speech, without coming to the conclusion that that organization, in his opinion, is superior to the other Christian organizations of the country, and he became sponsor——

Mr. HOPKINS. Mr. President——

Mr. DUBOIS. I will not yield. Neither the Senator from Illinois nor any of the Senators on that side would yield to me. I will not allow my time——

Mr. HOPKINS. I say the Senator should not misrepresent me. It is an absolute misrepresentation.

The VICE-PRESIDENT. The Senator from Idaho declines to yield.

Mr. HOPKINS. He absolutely misrepresents me.

Mr. DUBOIS. I do not misrepresent the Senator. I repeat that no one who heard the Senator from Illinois or who will read his speech can come to any other conclusion than that he holds this organization as better than the other Christian organizations of the land, and he became sponsor for the head of this organization. I call attention to this, which the Senator from Illinois said in his speech. On page 30, the Senator from Michigan [Mr. BURROWS] asked him:

> Is there any reason why they should continue to cohabit with them [their plural wives] and increase the number of the offspring?

The Senator from Illinois answered:

> Mr. HOPKINS. I will say to the Senator that on that proposition I will give him the answer of the head of the Mormon Church, which is found in the evidence.

Mr. HOPKINS. Now, read the next sentence.

Mr. DUBOIS. I am reading the next sentence.

This is what you said next:

> It is not necessary for me to make an answer to that proposition. That very question was put to the head of the Mormon Church, who has had a number of children born since the manifesto, and I submit that answer, not only to the Senator, but to Senators in this body and to the public generally.

I am quoting literally, and now I will quote the answer of the president of the church, which the Senator from Illinois has made his answer. You will find this on pages 334, 335, and 336 of volume 1 of the testimony. The Senator from Michigan asked him precisely the same question he asked the Senator from Illinois. The chairman of the committee said to Mr. Smith, the president of the Mormon Church:

> The CHAIRMAN. Why is it necessary, in order to support your children, educate, and clothe them, that you should continue to have children by a multiplicity of wives?
> Mr. SMITH. Because my wives are like everybody else's wife.
> The CHAIRMAN. I am not speaking of them.
> Mr. SMITH. I understand.
> The CHAIRMAN. I am speaking of the children now in existence born to you.
> Mr. SMITH. Yes.
> The CHAIRMAN. Why is it necessary to continue to have issue by five wives in order to support and educate the children already in existence? Why is it necessary?
> Mr. SMITH. It is only to the peace and harmony and good will of myself and my wives; that is all.
> The CHAIRMAN. Then you could educate your children and clothe them and feed them without having new issue?
> Mr. SMITH. Well, yes; I possibly could, but that is just exactly the kernel in the nut.
> The CHAIRMAN. Yes.
> Mr. SMITH. I have chosen not to do that, Mr. Chairman.
> The CHAIRMAN. You have chosen not to do it?
> Mr. SMITH. That is it. I am responsible before the law for my action.
> The CHAIRMAN. And in not doing it, you are violating the law?
> Mr. SMITH. The law of my State?
> The CHAIRMAN. Yes.
> Mr. SMITH. Yes, sir.
> Senator OVERMAN. Is there not a revelation published in the Book of Covenants here that you shall abide by the law of the State?
> Mr. SMITH. It includes both unlawful cohabitation and polygamy.
> Senator OVERMAN. Is there not a revelation that you shall abide by the laws of the State and of the land?
> Mr. SMITH. Yes, sir.
> Senator OVERMAN. If that is a revelation, are you not violating the laws of God?
> Mr. SMITH. I have admitted that, Mr. Senator, a great many times here.

That is the answer of the Senator from Illinois as given by the head of the church. I trust he is contented with it.

There was a colloquy which took place during the speech of the Senator from Illinois. I want to show the misstatements, the misrepresentations, the subterfuges which have been resorted to by these special pleaders for their client. I call attention to this colloquy in the speech of the Senator from Illinois, on pages 32 and 33:

> Mr. DUBOIS. I will ask the Senator from Illinois, if he will allow me, if the Mormon Church has undertaken to punish any of these polygamists for entering into this adulterous relation?

The Senator from Illinois answered at length, and finally, addressing me, said:

> Has he gone and presented these charges to the grand jury in the State of Utah or in Salt Lake City?
> Mr. DUBOIS. I myself have not.
> Mr. HOPKINS. That is all I want to know.
> Mr. DUBOIS. But the people of Utah have gone, and the courts of Utah have paid no attention to the presentation, and it is useless.

Then the Senator from Indiana [Mr. BEVERIDGE] took part, and the following colloquy occurred:

> Mr. BEVERIDGE. In answer to the Senator's question, whether the Senator from Illinois could cite an instance where there had been any punishment by another Mormon of Mormons for having entered into polygamous relations, I have not read the testimony recently, but the Senator has, and I call his attention to a case, as I remember it, when I was present when the testimony was being taken. I believe it was a bishop of a stake by the name of Harmer, who had taken another wife, and the attention of the Senator from Utah, not then a Senator, was called to it. The bishop himself went to Provo, the home of the Senator from Utah, not then a Senator, and told him about this thing, about which there was a great deal of rumor. The upshot of the whole matter, as I remember the testimony—and the Senator from Illinois will know about what it was—was that on his way home from Provo this bishop of the stake, who had entered into relationships with more than one woman, was arrested by the sheriff, was by the church authorities deposed from the bishopric, and was prosecuted and finally sent to the penitentiary. I do not know whether that is correct or not, but that is as I remember it.
> Mr. DILLINGHAM. He himself testified to it.
> Mr. BEVERIDGE. The Senator from Vermont suggests that it was the bishop himself who testified to that fact.
> Mr. DUBOIS. If the Senator from Illinois will pardon me, I will show the difference. Bishop Harmer was not married to the second woman. He was living with her in a purely adulterous relation. Therefore the Mormon Church made an example of him. Had she been married to him as a second wife, they would not have interfered, because they never have done so.
> Mr. BEVERIDGE. Then, the Senator's suggestion is——
> Mr. HOPKINS. Right here let me say a word.
> Mr. BEVERIDGE. Yes.
> Mr. HOPKINS. I have shown, Mr. President, that there can not be in the Mormon Church to-day the taking of a plural wife. That is an impossibility under the law of the church, and the relation is an adulterous one, just as stated by the Senator from Idaho.
> Mr. BEVERIDGE. And the suggestion of the Senator from Idaho in an-

swer is that the reason why they deposed him from his religious office and the reason why they sent him to the penitentiary for a criminal offense is that he did not marry the woman.

Mr. DUBOIS. Exactly; precisely.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Utah?

Mr. HOPKINS. Certainly.

Then came the junior Senator from Utah [Mr. SUTHERLAND], who should know; and I desire to say, in passing, that the only speech approaching fairness was made by the junior Senator from Utah. He would not have dared utter what these Senators have on this floor. He knew the facts and they did not, and he would not have made the utterly unwarranted statements which they have. I pay that tribute to him in passing. But in this case he misled, as I will show.

The Senator from Utah [Mr. SUTHERLAND] said:

Mr. SUTHERLAND. If the Senator from Illinois will permit me, I will state that I am pretty familiar with the Harmer case referred to, although I do not now recall precisely what the evidence showed about it.

Mr. Harmer was a bishop in the county in which my colleague lives. It was very clearly shown when he was arrested that he had gone to Mexico and had married his plural wife there.

In addition to what the other Senators said, that is what the Senator from Utah said.

My contention was this, and it is this now: That no Mormon has ever prosecuted any other Mormon for living in the polygamous relation. No Mormon dared do it. In this case they prosecuted this Mormon because me was living in an adulterous relation with a woman not his wife. I defy them to point to a single instance where any member of the church has prosecuted any other member of the church for living in this polygamous relation. I will call attention to the testimony in this case. Notwithstanding all the Senators said that the testimony showed that Harmer was married to this woman, here is the testimony of Lorin Harmer himself:

Mr. TAYLER. How many wives have you?
Mr. HARMER. Two.
Mr. TAYLER. What are their names?
Mr. HARMER. Ellen and Ida.
Mr. TAYLER. How old is Ida?
Mr. HARMER. 48.
Mr. TAYLER. How old is Ellen?
Mr. HARMER. 49.
Mr. TAYLER. What was Ellen's name before she was married?
Mr. HARMER. Her name was Ellen Tew.
Mr. TAYLER. Do you know Ellen Anderson?
Mr. HARMER. Yes, sir.
Mr. TAYLER. Are you married to her?
Mr. HARMER. No, sir.
Mr. TAYLER. Did you ever live with her?
Mr. HARMER. No, sir; not as a wife.
Mr. TAYLER. Not as a wife? Did you have children by her?
Mr. HARMER. Yes, sir.
Mr. TAYLER. How many?
Mr. HARMER. Two.
Mr. TAYLER. How many since you were in the penitentiary?
Mr. HARMER. One.
Mr. TAYLER. You were sent to the penitentiary for having children by her?
Mr. HARMER. Yes, sir.
Mr. TAYLER. Where does she live now?
Mr. HARMER. She lives in Springville.
Mr. TAYLER. You do not live with her as a wife?
Mr. HARMER. No, sir.
Mr. TAYLER. When did you have the last child by her?
Mr. HARMER. I do not know as I could tell you exactly.
Mr. TAYLER. About when?
Mr. HARMER. Oh, perhaps a year or a year and a half ago.

That is in volume 1, pages 501 and 502, of the testimony. They undertook to prove that REED SMOOT had this Mormon arrested and sent to the penitentiary for living in the polygamous relation. It is the only case that they attempted to prove, and the witness himself says he was not married to her. He had two wives besides. They made no move against him for living with these two wives, which he had taken as a member of the church and according to the doctrines of the church. This is absolutely not only the best showing but the only showing they made or could make that Apostle Senator REED SMOOT has attempted to punish anyone for polygamous living, or of objecting to anyone for living in the polygamous relation.

The junior Senator from Utah [Mr. SUTHERLAND] eulogized in extravagant language his colleague. The junior Senator from Utah, I have been told by a great many of the most splendid men in Utah, and his friends and party associates, opposed strenuously the election of REED SMOOT to the Senate on the ground that he was an apostle of the church. That is current history there. The junior Senator says that the church has dictated in politics; that it has controlled all political matters there; that the president of the church and the church elected his predecessor, Senator Kearns, but that it stopped when it reached REED SMOOT and himself. Since they reached these gentlemen there has been no dictation in politics, although, according to the junior Senator, they elected his immediate predecessor. That is in his speech. He draws a Utopian picture of political conditions in Utah. I wish it were true. He says political conditions have been growing better and better all the time. Why is it, if that is true, that they have been compelled to organize out there an American party, composed of all the Gentiles of Salt Lake City, 80 per cent of whom are Republicans? These Gentile Republicans have abandoned all hopes of political preferment, either Federal or State. They have abandoned their party, which is the dominant party in the State and nation. They suffer in their business on account of this fight they are making there for American and Republican principles.

You can not pass it by or explain it away by saying that Tom Kearns is at the head of this party, and that he is all there is to it. This party carried Salt Lake City in the last two elections. As Salt Lake City grows the party will grow, and it is extending all over the State. These Americans are the very first citizens. They would be a most welcome addition to any community in the United States. No people anywhere are superior to them in all that goes to make grand characters.

The conditions have arisen and this American party has arisen since the church selected Apostle SMOOT as a Senator from Utah. That was the occasion for the beginning of this party. The time had come when the Gentiles must assert themselves and unitedly oppose the absolute domination of this hierarchy in political affairs.

There is a great deal of testimony in regard to the political domination of the church. The Senator from Utah had to receive the consent of the president of the church before he could become a candidate for Senator. He himself so testified, and so did the president of the church. Yet these technical lawyers undertake to explain that by calling this consent a "leave of absence." There is no such word in the order issued by the church compelling every Mormon official, from a bishop up, to receive the consent of the president of the church before he can become a candidate for an office. The technical lawyer Senators have invented the phrase "they must receive a leave of absence." Brigham H. Roberts, an official of the church immediately under the apostles, who was refused a seat in the other branch of Congress, testified a little in regard to this political domination of the hierarchy. Senator OVERMAN interrogated him as a witness:

Senator OVERMAN. Suppose there is a conflict, is your church the first duty, or the state?

That seemed like a simple question.

Mr. ROBERTS. That is hypothetical. I can not tell what I would do.

Senator BAILEY. It would depend somewhat on your frame of mind. One time you did defy the church, as I understand it, out there?

Mr. ROBERTS. I did, to some extent.

Senator BAILEY. But they beat you that time? * * * I mean you were defeated at the polls * * * when you did not submit to the discipline of the church.

Mr. ROBERTS. Yes, sir.

Senator BAILEY. Then the next time, when you did submit, you were chosen.

Mr. ROBERTS. Yes, sir. (I: 725–728.)

* * * * * * *

The CHAIRMAN. Mr. Roberts, I want to ask you a question right in the line of those Senator BAILEY has propounded to you. If you were invited by your fellow-citizens and your party to accept the nomination for an office, would you feel at liberty to accede to that request until you had first consulted with the church?

Mr. ROBERTS. Not unless I resigned my position in the church.

The CHAIRMAN. Would you feel at liberty to accept without first consulting the church?

Mr. ROBERTS. No, sir; I think not. (I: 734.)

The Senator from Illinois [Mr. HOPKINS] asked a number of times, and so did the Senator from Indiana [Mr. BEVERIDGE], I think, although I am not sure about that, and the Senator from Vermont [Mr. DILLINGHAM] why we did not prosecute these men under the law. Here are a few choice extracts bearing on that. Mr. Tayler asked the president of the church:

What inquiry did you make to find out whether Abraham H. Cannon, one of the twelve apostles of the church, had made a plural marriage?

Mr. SMITH. I made no inquiry at all.

Mr. TAYLER. Did you set on foot any inquiry?

Mr. SMITH. No, sir; not myself.

Mr. TAYLER. Did you have any interest in finding out whether there had been?

Mr. SMITH. Not the least. (I: 476–477.)

The chairman of the committee said to President Smith:

The CHAIRMAN. * * * In any instance where you have learned that these high officials, or anyone else, have been guilty of plural marriage, or of performing a ceremony of that kind, since 1890, have you made inquiry into it? * * *

Mr. SMITH. No, sir; because it has not been my business. (I: 478.)

Senator HOAR said to Mr. Jenson, one of the high officials of the church and the custodian of the records:

If any Mormon, having heard Mr. Smith's testimony here, were to go back to Utah and swear that he heard him say that here and insist on his being prosecuted, he would do an act which would be odious to all good Mormons, would he not? That is the feeling, is it not?

Mr. JENSON. I think so. Yes, I think so. (I: 536.)

Here is Francis M. Lyman's testimony. Senator Hoar said to him:

> You have said more than once that in living in polygamous relations with your wives, which you do and intend to do, you knew that you were disobeying this revelation. * * * And that in disobeying this revelation you were disobeying the law of God?
>
> Mr. LYMAN. Yes, sir.
>
> Senator HOAR. Very well. So that you say that you, an apostle of your church, expecting to succeed, if you survive Mr. Smith, to the office in which you will be the person to be the medium of Divine revelations, are living and are known to your people to live in disobedience of the law of the land and of the law of God?
>
> Mr. LYMAN. Yes, sir. (I: 8430.)

The Senator from Vermont [Mr. DILLINGHAM] said in his speech that one Charles Mostyn Owen, as a witness, said that Taylor was reputed to have taken new wives since the manifesto, but that there was no evidence to support it. I take it for granted that the Senator from Vermont forgot the testimony of Mr. Abbott, a Mormon, who lives in the same town with Apostle Taylor, who testified that Taylor had five wives and that two of these wives were sisters—Rhoda and Roxie Welling—one 22 and the other 24 years of age, which would have made one of them 8 years old and the other 10 when the manifesto was issued in 1890. Mr. Abbott was sheriff of Davis County, in which he and Apostle Taylor lived.

The Senator from Vermont [Mr. DILLINGHAM] said that Tanner, Cowley, Taylor, and Grant are fugitives from justice. They were fugitives from a subpœna of the Senate because two of them had taken plural wives since the manifesto. They evaded a subpœna of the Senate. They fled and kept in hiding to avoid testifying before the Senate committee, as did many more valuable Mormon witnesses. They are no longer fugitives from justice. When you seat Apostle SMOOT, as you will, they will appear on the streets of Salt Lake City, because they are in Utah now. Tanner walks the streets these days and Cowley and Taylor will to-morrow. They were not evading the law, because they are not afraid of the law in Utah, so far as these crimes are concerned.

If the junior Senator from Utah [Mr. SUTHERLAND], with his splendid legal ability, should go back and, following up his denunciation of Apostles Cowley and Taylor, should undertake to prosecute them for entering into polygamy since the manifesto and to send them to the penitentiary, he would never be elected a Senator of the United States again from the State of Utah, nor could anyone in or out of the church attempt it and survive politically. No member of the church ever attempted it or ever will. They have not brought a single line of proof to show that the members of the church anywhere oppose it.

Everyone understands, of course, that the courts and all the offices in Utah are dominated by the Mormon Church. No one can be elected to any office if it is opposed to him. It is impossible to have any enforcement of the law with the church in opposition.

I find that I will have to hurry along. I must not trespass upon the time of other Senators. I should like the Senate to know, however, some of the misstatements which these learned lawyers have made, and understand, partially at least, the technical defense which they have entered into. They have deceived not only the Senate, but the public, because they have not spoken from the testimony. I will have to pass over a great deal that I should like to speak of, but I will refer to the speech of Senator KNOX. On page 12 of his speech the Senator from Pennsylvania said:

> I find upon an examination of the Articles of Faith of the Mormon Church and its book of doctrines and covenants that the Mormon doctrine relating to human governments and the duties of citizenship is set out in great detail.

And then he proceeds to read from the doctrines and covenants. I interjected and asked him if they were the same now as they always were. That interjection is not in the copy of his speech which I have, but the Senator will recall it. He finally said that they were. He quotes what they say about obeying the laws of the land in their doctrines and covenants and says that those doctrines and covenants are now the same as they were then.

I wonder why the Senator did not put in also from these same doctrines and covenants the law relating to polygamy. It is there, just the same as the other, and is as follows:

> If any man espouse a virgin, and desire to espouse another, and the first give her consent, and if he espouse the second and they are virgins and have vowed to no other man, then is he justified; he can not commit adultery, for they are given unto him, for he can not commit adultery with that that belongeth unto him and to no one else.
>
> And if he have ten virgins given unto him by this law he can not commit adultery, for they belong to him, and they are given unto him; therefore is he justified.

You will not find the manifesto promulgated by Wilford Woodruff in 1890 in the doctrines and covenants. It has not been incorporated nor made a part of any church document which is exhibited by Mormons as authority.

Under the same doctrines and covenants of the Mormon Church they committed the Mountain Meadow massacre. Under the same doctrines and covenants under which they are now living they defied this Government and compelled the United States to send an army to Utah to bring them in accord with the laws of the land. They are the same doctrines and covenants now as they always were, and they are being lived up to according to the direction of the head of the Mormon Church the same now as they always were.

On page 28 of the speech of the Senator from Pennsylvania—I quote him literally—he said:

> Polygamous marriages have ended in Utah.

Neither of the Senators from Utah said that. No other Senator would say that who has read the testimony and wanted to interpret it correctly or who knew the facts. The junior Senator from Utah in his speech did not say that, or anything that sounded like it. I think the Senator from Pennsylvania would have done well to have rehearsed with the junior Senator from Utah before making such statements as those.

We proved here in the committee that five out of the twelve apostles have gone into new polygamy since the manifesto. The Senator from Pennsylvania says that polygamous marriages have ended; that there have been none. The junior Senator from Utah in his speech, pages 41 and 42, says: "In this list of new polygamists there are five apostles—Teasdale, Abraham H. Cannon, Merrill, Taylor, and Cowley." He dismisses Teasdale and Merrill by saying that he did not think the proof was quite sufficient. I will let that go. But in reference to Abraham H. Cannon he said: "Abraham H. Cannon was an apostle and married a plural wife in 1896."

The testimony shows to the satisfaction of every Gentile in Utah and Idaho that Joseph F. Smith, the president of the Mormon church, performed that marriage ceremony in 1896 between an apostle of the church and a fourth wife, he then being the president of the church.

In regard to Cowley and Taylor, who are also apostles, the junior Senator from Utah said:

> I have absolutely no doubt in my own mind that both those apostles have taken plural wives since the manifesto, and I think there are no words in the English language that are sufficiently severe with which to condemn their conduct.

They resigned as apostles one week before the vote was taken on the Smoot case in the committee. The church had not proceeded against them; the junior Senator from Utah will not proceed against them; no one will proceed against them. You can not convict them in Utah because the whole power to prosecute is lodged in the Mormon Church.

In the case of Mable Kennedy, who was married to a man named Johnson in 1897, the Senator from Vermont [Mr. DILLINGHAM], if I recall his testimony correctly, said this marriage was performed by some minor officer of the church who probably did not know that Johnson had another wife. The testimony shows that the other wife and a child of the other wife went with Mable Kennedy and Johnson to this town where they were married, and the testimony further shows that Brigham Young, as apostle of the Mormon Church, performed the marriage ceremony. All of this testimony will be found in volume 1, page 390.

I regret that I will have to pass on quickly. The Senator from Pennsylvania also said, on pages 29 and 30—and in this he takes a fling at the Christian ministers and the Christian women of the country, and, with biting sarcasm, refers to their phrase "the sanctity of the home." The Senator from Pennsylvania said:

> I do not see how the sanctity of the American home is at stake in this issue. If the Mormon Church teaches polygamy and encourages its practice, surely the fact that Senator SMOOT is a monogamist and has from his youth up set his face and lifted up his voice against polygamy is conclusive evidence that he is fighting by precept and example for the sanctity of the American home against his church and under circumstances requiring the greatest moral courage.

The Senator from Vermont [Mr. DILLINGHAM] and the Senator from Illinois [Mr. HOPKINS] repeat that from his youth the Senator from Utah has been opposed to polygamy. That will be wonderful news to the people of Utah, both Mormon and Gentile—from his youth up!

Senator SMOOT is the son of a polygamist. His father had four wives, and he was raised in this polygamous atmosphere with polygamous half brothers and sisters. When he reached the age of manhood he married a polygamous child, his wife being the daughter of the fourth wife of her father. I do not say this in disparagement to them. It is a badge of distinction for them in Utah. It does not interfere with their social standing in the slightest degree. I would not say it if it hurt the feelings of the Senator from Utah, but it does not. Few in Utah will blame him for that; many, most, will honor him

for it. That was his youth. He is an apostle of the Mormon Church.

No one can be preferred in that church unless he obeys the council and unless he gives implicit obedience to his leaders. Most of those leaders have been polygamists. Every president of that church has been a polygamist, and REED SMOOT was so obedient and so devoted to the church teachings and so faithful to counsel and precept of the leaders that finally he was made an apostle of the church.

As trustee of Provo Academy, a Mormon institution of learning for young men and women, he allowed Bishop Cluff, jr., to remain the president of that academy after he knew, as he himself testified, that Bishop Cluff, jr., had gone into new polygamy since the manifesto. The testimony of Cluff is in the record; the testimony of George Reynolds, whose daughter he married, is there. When Cluff resigned George H. Brimhall was appointed president of the academy. He was a polygamist; and REED SMOOT was a trustee of that academy and knew that Brimhall was a polygamist when he was appointed. SMOOT testified to this himself. He sat among the apostles when Penrose was made an apostle, knowing him to be a polygamist.

That is in the testimony. And I defy any of these Senators to point to any single utterance in public or any single act of REED SMOOT by which he attempted in the slightest degree to suppress polygamy or to put his seal of condemnation on polygamous living. It exists only in the imagination of these gentlemen. There is no record of it anywhere. All his life, all his acts, all his teachings are to the contrary. Occasionally a suppliant Jack-Mormon, to curry favor with the church, will say things, as these Senator lawyers who are defending the apostle do, which no orthodox Mormon would say.

Mr. President, I am admonished that I must not take up much more time. I desire to put this in the RECORD, so that Senators can read it after they have voted at any rate. It will be a monument there. It will be something for you to look back at. In my judgment, there are not ten Senators in this body who would vote to retain REED SMOOT in his seat if they had carefully read the testimony. I know that strong influences are at work to retain him in his seat.

For the first time the Mormon question has been made a political one. The President of the United States is an open friend of the Senator from Utah. You all know it. The country knows it. The President wants him seated. You Republicans join with the President in wanting the Mormon vote. You have got it. They are with you; you have every one of them, my friends on the Republican side of the Chamber. But it has cost you the moral support of the Christian women and men of the United States. I hardly think you can afford to pay the price for this temporary political advantage.

In my State of Idaho to-day, in the legislature, the Gentiles have united against the aggression of the Mormon bishops in the legislature.

As illustrative of their methods which have been brought so clearly to the attention of the Gentile members of the legislature, I will read an extract from a pro-Mormon paper in Idaho, the Lewiston Tribune, as follows:

MORMONS ALL VOTE TOGETHER.

Upon bills of minor importance the Democrats and insurgents have split up, each man voting his individual views. One or two times the Democrats have divided squarely, also the Republicans, but not the Mormons. On no measure, however slight in its importance, have they divided. On every roll call they have voted as a unit. No matter what the motion, measure, or subject under examination, it is shown all the Mormons vote in the same column. No individuality is shown at any time. The vote always and everlastingly is the same. The record of the house will show this to be a fact. All other creeds, religious and political, change from time to time, but not so with the Mormons. United and solid as one man, the vote of the Mormon Church is always unvarying, always alike; as the first Mormon on the list votes, you can wager all your possessions in safety that others will vote the same way. It would be no surprise to see the insurgents recognized as the regulars before the end of the session, and the stalwarts being placed in the position of refusing to follow the party in carrying out its platform pledges.

The insurgents are Republicans who have joined with the Democrats against the Mormons and their Republican allies.

There are thirty-nine Republican members of the legislature (lower branch), thirteen of whom are Mormon bishops, leaving twenty-six Gentile Republicans and twelve Democratic members. Nineteen of the Gentile Republicans have joined with the twelve Democrats in opposition to the Mormons and their allies. These Gentile members, who compose the majority in the house now, have passed the Idaho "test oath," which the Mormons and their allies bitterly opposed, the Mormons claiming that its passage would disfranchise them. The "test oath" simply embodies the pledges which are made in the manifesto, and if the Mormons are sincere and are living up to the manifesto every one of them can take the "test oath."

The last campaign in Idaho was waged on the Mormon issue alone, the Republicans claiming that there was nothing in it, that the Mormons did not dominate in political affairs, and that there was no polygamy, etc. Notwithstanding the fact that Idaho is very strongly Republican, as much so as Vermont or Pennsylvania, they elected their governor and the legislature the last time solely on account of the solidity of the Mormon vote; and I will say that it does not take much of a prophet to foretell that the Gentile Republicans in the legislature who have joined with the Democrats there, and those of their party who agree with them throughout the State, will be sufficiently powerful in the next Republican convention to control that party in Idaho and force it to make a plain and unmistakable stand against the domination of this organization in politics. The Republican party is almost invincible there, and these Republicans will control it; or if they do not, they will beat the Republican party in Idaho.

It has been stated a number of times that the women of the country did not know what they were doing in sending these petitions there. There is not a petition signed by any one of them claiming that REED SMOOT is a polygamist. The women of this country have had their missionaries in Utah and Idaho and Wyoming for years and years. The ministers of the other denominations are there, hundreds of them, and there is not one of all these missionaries or ministers who does not say the same thing. If the defense could have gotten any Christian minister or Christian missionary to come here and testify that the conditions are not as they were disclosed in the testimony, and as charged by those protesting against REED SMOOT, it would have won their case for them; but they could not find one. Every one of these Christian men and women plead that you do not allow this apostle of polygamy to retain his seat.

The whole Christian testimony corroborates what has been shown in the Senate committee testimony, and the Christian moral feeling represented by the ministers and women of this country is entitled at least to respectful consideration and should not be dismissed with a sneer.

Mr. BEVERIDGE. Mr. President, one thing is dearer than life—the approval of one's own conscience. A second thing is nearly as precious—the good opinion of one's fellow-men. Riches, power, and birth are worse than worthless without reputation.

No wrong is blacker than the ruin of reputation of man or woman whose life has been stainless. No public policy can justify the damnation of a man by his countrymen upon error. And, where liberty reigns, truth will vindicate the wronged one in the end.

This is the fact, even though millions, misinformed, clamor against a man. Only the other day, as history goes, the world beheld a nation that has led most of the charges for freedom in modern times demanding, almost with a single voice, the worse than death of one falsely accused. Out of France's forty millions one man cried out for justice. But, for the hour, the misguided millions worked their will, and Dreyfus's epaulets of honor were torn from his shoulders, his sword was broken, and, amid roars of hatred, he was marched to disgrace.

But justice was not permanently defeated. Justice is never permanently defeated anywhere. Justice finally won for Dreyfus in France; and only yesterday, as history runs, that wronged officer of the French Republic was restored amid the huzzas of the nation which, unwittingly, had wronged him.

THE CHARGES AGAINST THE ACCUSED.

Is not this something like the situation in America to-day? Dreyfus was charged with treason; and this man is charged with treason—and worse. He is charged with treason before this high court—for, *in cases like this, the Senate is a court*, nothing but a court, the highest court this world has ever known.

And he is charged with infamy, as well as treason, before the American people; before the bar of public opinion he has been tried on the charge of the vilest of offenses.

And because the American people have been made to believe this infamy, they have petitioned this court for judgment against the guiltless. This fact is important, for who can say what has been the influence on the members of this court of that clamor which has assailed us, a clamor as erroneous as that which sent the loyal French Jew to Devils Island?

THE "RIGHT OF PETITION."

Mr. President, I believe in the right of petition. It is higher than a constitutional right—it is institutional. It reigns wherever reigns our race. In the broad and generic and not in the narrow and partisan sense, I am a democrat to the bone. With all my soul I believe that "the voice of the people is the voice of God"—the final and informed voice of the people, not their first gusts of passion; the instructed wisdom of the common mind, not its error-inflamed demands. And *in matters of legislation*, unless it involves violation of conscience, I shall always obey the last

word of the people, based on their knowledge of all the facts, but never their first word if based on their knowledge of none of the facts.

But the right of petition is not to the courts. What would the most violent friend of a litigant think of a judge that would listen to his appeal or the appeals of thousands? He would despise him for deciding his way. And why? Because the court hears the evidence and has taken oath to decide on that evidence and the law, and on nothing else. Justice is pictured as blind—blind to prejudice, blind to passion, blind to ignorance, blind to *interest*. Justice sees only the evidence and the law. That is the only distinction between the judgments of courts of liberty on the one hand and the edicts of tyrants or the decrees of mobs on the other hand. And, in a case like this, *this Senate is a court*—the highest court beneath that eternal Tribunal which sits not only on the deeds, but on the consciences and most secret thoughts of men.

SENATOR HOAR'S OPINION.

And yet this case has been tried before the country on one issue—that of infamy; and before this court on another—that of treason. On our oaths, as judges of this supremest of earthly tribunals, we must try the second. On our responsibilities as public men let us examine the first. And on this I can not but recall the letter written by that noble American, a member of this committee, shortly before his death, to a minister who had been his life-long friend and had written this splendid statesman to condemn this man. In answer to that letter, Senator Hoar, of blessed memory, wrote:

> You have been my friend; but if I were on the bench I would send you to jail. And yet I am sitting as a judge of a higher court than Massachusetts ever knew.

Yet the demand for blood has been made on us—*court though we are, sworn judges though we be.*

Mr. President, what is this wrong done the Senator from Utah, which has poured this shower of petitions upon this court and brought this flood of letters to nearly every member of it—not every member, because out of Indiana's nearly 3,000,000 people but few have written me on this subject, although my correspondence with my constituents is enormous. I am prouder of that evidence of faith and trust in me of Indiana's people than I am of the place in this body which they have given me. I am proud that they know that not all the letters that could be written in a hundred years nor all the petitions that could be gathered by any propaganda, even as active a propaganda as the one that is seeking to destroy this man and intimidate this court, would swerve me if I knew the writers of those letters and the signers of those petitions to be misinformed.

THE COUNTRY MISINFORMED.

And, Mr. President, the country has been misinformed. The average man and woman has been told for three long years that REED SMOOT is a criminal guilty of a disgusting and filthy crime—a crime abhorrent to our race and destructive of our civilization. The country has been told that this man is a polygamist. That is the charge on which he has been tried before the bar of American public opinion; that the charge upon which he has been convicted by the millions; and that the charge that has injured him as deeply as Dreyfus was injured. For that charge is utterly false. *The evidence shows, and it is finally admitted*, that this accused Senator is not a polygamist—the word is too foul to utter except on compulsion—never was that base thing, and that his home life is ideal in purity.

Not only is this true, but the evidence shows that, from the first, REED SMOOT *has been the leader of the younger, wiser, and more modern element of his church that oppose this insult to marriage.*

Yet the American people believe this Senator a practicer of this horrible shame. How that impression has been circulated it is not necessary, as it would not be pleasant, to describe. But the belief that he is such a monster is general among the masses and held by most of the reading public.

NEWSPAPER REPORTS.

Here is evidence of this—these six great volumes, with thousands and thousands of clippings from thousands of papers all over the Republic, telling in editorial and news columns that the accused is such a criminal. But for the brevity of time, I would read at random some of these, so that no Senator could have any excuse for not understanding the source of all these petitions.

I shall not do that—time does not permit; but I will take enough time, at least, to have read a very recent one, which I send to the desk. It was handed to me two or three days ago by a fellow-Senator from a middle Northwestern State, and as you will see was written after the speech of the Senator from Michigan [Mr. BURROWS]. I should like that Senator to hear it.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

> Senator BURROWS on Tuesday last delivered a remarkable speech in the United States Senate, denying the right of the Mormon Senator from Utah to a seat in that body. He charged that Senator SMOOT is cohabiting with *five* so-called "wives" in open defiance of law and has *forty-five children*, three of whom were born the present year.

Mr. BEVERIDGE. That is no more absurd to us who know the facts than thousands and tens of thousands of clippings like it from all over the Republic, from Canada to Mexico and from the Atlantic to the Pacific. False statements like that have been going to the people for three years. Does that throw any light upon these petitions?

The Senator from Idaho [Mr. DUBOIS] said that this word "polygamy" was not mentioned in one of these petitions. But we all know how such petitions are secured. They go to a good woman and say: "Will you sign this petition—it's against SMOOT?" And she, believing what everybody believes, signs it. We have proof of this in the *formal remonstrance*, on which this whole "investigation" has taken place—taken place at the cost of tens of thousands of dollars of the people's money. The man who got it up was compelled to admit on the stand, under oath, that some of the signers of *that remonstrance* never read it or had it read to them; and this, although it is the formal complaint on which a man's honor has been tried and a State's representative in this body has been put in jeopardy of his place. So much for the words—the form—of these petitions.

Since last session I have personally spoken to not less than 300 men and women all over the country on this subject. Every one of them thought the Utah Senator a polygamist, and was therefore against him. And nearly all of them when told the truth frankly changed their attitude.

COMMENT OF AN AMERICAN WOMAN.

Only the other day a noble American woman, an officer of one of our splendid American schools for girls, spoke to me of the curse of the murder of children in mills and mines, and then mentioned the case of Senator SMOOT. She was bitterly against him, because she believed him a polygamist; but when she learned the truth—when she learned that his life was stainless, and that in his pure and perfect home one woman reigned, its loved and cherished queen, this grand woman paled and said:

> *"Then a great wrong has been done to him and* A GREATER WRONG TO HER."

In my own city a man whose brilliant books have given him increasing fame throughout the English-speaking world, whose character is as exalted as his heart is fearless, and whose ideals are as high as his talents are distinguished wrote an article in an Indianapolis paper, calling this accused Senator "the much-married SMOOT." That was three years ago, his information being the same that has misled the Nation.

But *even now and here in Washington* the same belief is common. Passing before the building of a great Washington newspaper I saw on the bulletin announcing notable events this statement about Senator KNOX's remarkable speech:

> Senator KNOX opposes expulsion of *Polygamist* SMOOT.

I asked the editor of that paper for that part of the bulletin; he gave it to me as a matter of justice, and here it is for every Senator to see [exhibiting]. The painter of the bulletin was not to blame; he only voiced the universal error.

That, then, is the issue on which REED SMOOT has been tried outside of this Chamber. That is the source of the public clamor with which this court has been stormed. That is the wrong that has been done this man, his wife, and his children. And that is the wrong that must be righted by this court and by the American people; for the ruin of human reputation is the saddest of all ruin, save that of the soul itself. Justice to one wronged man is more important than all our other labors.

EVIDENCE OF ACCUSED SENATOR'S BLAMELESS LIFE.

And the evidence gives no excuse for this. All witnesses testified to this Senator's blameless life—but this did not go out to the country. On the contrary, every discreditable thing that others had done for the past fifty years was sent broadcast and this man's name subtly connected with it. Although the committee, as a judicial body, was trying the honor of a man, no rules of evidence were observed, and rumor, hearsay, speculation, were unleashed and ran as blind and raging as mad dogs. Had the rules of evidence been observed the investigation would not have lasted a fortnight and the testimony would not have filled a pamphlet.

Doctor Buckley, the distinguished religious editor and eminent Methodist divine, testified that his diligent and painstaking personal inquiry among Gentiles and Mormons, Democrats and Republicans alike, in Utah brought forth nothing but praise of Senator SMOOT. Doctor Buckley on oath said:

Every person I saw—and the number was as many as I could see at the principal hotel, at a church to which I went, where there were more than a thousand people, with scores of whom I spoke afterwards—wherever I asked the question, "What kind of a man is Mr. SMOOT?" whether he was a polygamist or anybody believed he was a polygamist, I am compelled to say that I did not find, either in California, where I had been for months at a convention, or while in Utah, *a single person who said one word against Mr. Smoot.* Nor did I find one person who believed that he had ever been married to anyone but his wife, or had otherwise lived with any woman who was not his wife. That is the fact in the case. Republicans and Democrats, Mormons and Gentiles, *all talked in that way.*

Yet the country did not hear this; its ears were stunned and eyes seared by that one baleful word "polygamy."

TESTIMONY OF MARY COULTER, "GENTILE," PRESIDENT OF UTAH'S STATE FEDERATION OF WOMAN'S CLUBS.

The most impressive of the army of witnesses who, during the three years' investigation, were, at enormous expense to the American people—and over $26,000 of the people's money has been spent on this attempt to ruin this man—marched to Washington was without doubt Mrs. Mary G. Coulter, of Ogden, Utah. Her dignity of bearing, her manifest and remarkable ability, her distinguished culture, instantly commanded respect, confidence, and esteem. Mrs. Coulter had been an Illinois girl; was an alumnus of the Northwestern College and of the University of Michigan. She went to Utah as the wife of Doctor Coulter, a non-Mormon.

Mrs. Coulter is a Gentile. She is president of Utah's State Federation of Woman's Clubs—for in every town and city in Utah as elsewhere women have their literary clubs; she was president of the Weber County Woman's Republican Club—for in Utah more than elsewhere women take part in politics; and she was a member of the legislature of Utah, and *chairman of the judiciary committee of the house*—for in Utah, unlike most of the remainder of the Republic, women vote, hold office, and participate in all civil government, municipal and State.

Mrs. Coulter, a *Gentile* member of Utah's legislature, a *woman* member of Utah's legislature, voted to make this accused man one of Utah's representatives in the National Senate. She testified that as president of the State Federation of Woman's Clubs she had traveled all over the State and knew conditions thoroughly; of the universal esteem of the people, Gentile and Mormon alike, for this accused man; of her own personal investigation of his life and character, and of the purity of both.

Yet the clear voice of this splendid and typical American woman was not heard amid the loathsome stories that filled the whole Republic.

THE ACCUSED SENATOR HAS BEEN LEADER AGAINST POLYGAMY FOR FOURTEEN YEARS.

Scores of witnesses testified, like Doctor Buckley, the great Methodist editor, and Mrs. Coulter, the accomplished American woman. Yet all the while the country heard only the foul word "polygamy." *Men testified that Senator Smoot was active against that infamy, not recently only, but for years.* In 1892 Judge Judd, of Tennessee, a Gentile appointed by President Cleveland as Territorial judge of Utah, before the Committee on Territories of the Senate, testified that the younger Mormons were active against polygamy, and *that their leader was Reed Smoot.*

This, Mr. President, was fourteen years ago. Certainly Mr. SMOOT fourteen years ago had not corrupted a United States judge into telling before a Senate committee a falsehood. After describing at length—my time does not permit me to quote—the movement of the younger Mormons to end this curse, he said:

Others said to me—

Listen, Senators—

notably REED SMOOT, son of the president of a stake and the Republican candidate for mayor and himself a product of polygamous marriage: "Judge, we can not stand this thing, and we will not stand this thing. It has got to be settled."

From Judge Judd, magistrate of the United States court for Utah, testifying in 1892, to Mary Coulter, member of Utah's legislature and president of Utah's State Federation of Woman's Clubs, testifying in 1906—and both "Gentiles," both non-Mormons—the evidence is unbroken.

WHAT THE ACCUSED'S NEIGHBORS, WHO ARE "GENTILES," SAY ABOUT HIM.

Now, when Mr. SMOOT was a candidate for the Senate this matter was suggested in his own State, and it was said, by those who have pursued him here, that he was the tool of the church. I think that the man's own neighbors, *who do not belong to the Senator's church*, are the best witnesses of that. So without the knowledge of Senator SMOOT, who was then a candidate for the office he now fills, the "Gentiles" of Provo, the city where he lived, got up and signed the following petition, and it was signed *by every Gentile in Provo* except four. I want to read it:

We, the undersigned citizens of the United States and residents of Provo City, Utah, the home of Hon. REED SMOOT, respectfully submit the following:

We are not members of the Mormon Church, but in fairness to Mr. SMOOT we state:

First. The reports circulated in the press of some parts of the United States to the effect that he is a polygamist are ridiculous in the extreme to us, and must be to the minds of all fair-minded people who know him, and said reports are plainly intended by those prompting them, willfully or in ignorance of his life, to misrepresent the gentleman.

Second. Reports are also current that Mr. SMOOT, who is a candidate for United States Senator, is the creature and candidate of the Mormon Church for the position and that he will be the Senator of said church if elected. We do not believe such statements can be honestly made by men acquainted with Mr. SMOOT, but we do believe they were made by people determined to prejudice his candidacy, regardless of the methods to be employed. We know the gentleman to be fearless, honest, independent, and of sterling worth, and not the mean character out of which tools, such as his calumniators say he would be, are formed. *We believe Mr. Smoot to be a man of that high integrity that he would decline any political office if he could not accept it with that freedom, independence, and manhood that should be borne by every true American citizen in political place. We are confident that Mr. Smoot would immediately refuse to accept any office if the duties of his church required him to surrender his independence in the exercise of his functions in the slightest degree.*

Third. Our opinions and belief with respect to Mr. SMOOT stated above have been formed by an intimate acquaintance and coming in contact with him almost daily through an extended period of the past. He is progressive and active. His business life bears strong marks of power to execute his undertakings. He is known as chaste and pure in all his relations, both private and public, is the husband of one wife, and his home is one of the ideal homes of the Republic.

Fourth. *He represents "young Utah,"* with all of its commendable progress, and was one of the earliest advocates of the division of the citizens of this State on national party lines.

That is signed by every non-Mormon resident of his home, except four men. The first who signs is one of the most eminent lawyers in Utah. And now listen—the second signature on this petition *is that of a Christian minister, James Stoddard, of Provo City, rector of Emanuel Episcopal Church.*

OPINION OF ANOTHER EPISCOPAL MINISTER.

Yesterday Senator SMOOT received, and was kind enough this morning when I came in the Senate to hand me, the following letter which I think it is worth while reading:

CLIFTON SPRINGS, N. Y., *February 18, 1907.*

Hon. REED SMOOT,
Senate, Washington, D. C.

MY DEAR SENATOR: About an hour ago I was waited upon by a committee that urged me to send a telegram to the "reform bureau" at Washington, asking for your expulsion from the Senate. This I declined to do for the reason I consider you an honorable, upright, loyal citizen and entitled to your seat in that honorable body.

I have lived in your city, have been in your home, and know your family, and I am frank to say that you impressed me favorably and one worthy of the confidence of the people of Utah. May I remind you that you were one that *helped me in my work?*

He was an Episcopal minister, remember. And he goes on—

You have my sympathy and good will, and I hope you may be permitted to keep your seat.

With kind regards for yourself and all the members of your household, believe me, I remain,

Most cordially, Rev. L. B. JOHNSTON,
Rector St. John's Church.

P. S.—If a telegram in your behalf will help from me, wire.

Yet, Mr. President, notwithstanding all of this, even now and here, this man is held up as a supporter of the crime which all his friends say he has been fighting for sixteen years. The other day, in his brilliant, his exhaustive, his able speech, which had required and no doubt received months of preparation, the Senator from Michigan [Mr. BURROWS] read what purported to be an extract from an address of Senator SMOOT delivered in Salt Lake City in 1905, since he has been a member of the Senate. This was done—and I will read the extract in a moment—to show that he is still an upholder of crime and sanctions all the practices of his church in the past.

INCORRECT QUOTATION FROM ACCUSED'S SPEECH.

Before I go into this I wish to say that I acquit the Senator from Michigan for what I am about to refer to. He is incapable of doing any human being an injustice knowingly. He has labored through his mighty task, he has performed his enormous duties with industry, fidelity, courage, and uniform courtesy to his associates. Of course, I know perfectly well that this clipping was prepared for him, as our material is sometimes prepared for all of us, by those who would help us or who are interested in the cause.

So before I say a word about the clipping I entirely exonerate the Senator from Michigan from any blame, if any blame there be, and that is for the Senate to judge. I do not think that I would refer to it even now if it had not had such an effect as to make the Senator from Arkansas [Mr. BERRY] deliver most of his speech upon it.

This is the quotation. This is quoted from a report in the Deseret Evening News, of Salt Lake, of the remarks of Senator SMOOT at Salt Lake City, in 1905, before a great Mormon congregation:

> I believe that the Latter-Day Saints, who have the spirit of God in them, never had more confidence in a man or a set of men than they have in the presidency of the church to-day.
> I am, indeed, thankful for my standing in the Church of Jesus Christ of Latter-Day Saints (Mormon). When I study the history of the church I find that it is at all times the same. I am not ashamed of the power and position of the Mormon Church. I say to Joseph F. Smith to-day, this people will never turn against thee on the testimony of a traitor.

Very well!

Now, Mr. President, that appears *as one solid quotation.* Here is the address itself in the Deseret Evening News from which identical paper the Senator from Michigan said it was taken. As a matter of fact the sentences, five of them, of this quotation are taken from segregated portions of the address from six hundred to fifteen hundred words apart. The first one is from there [indicating]; the second one is from there [indicating]; the third one is from here [indicating]——

Mr. FORAKER. How far apart?

Mr. BEVERIDGE. I am trying to show. Each sentence is separated from any other *by from six hundred to fifteen hundred words.* The first one is there [indicating]; the second one is there [indicating]; the third one is here [indicating], three columns away; the fourth one here [indicating], five columns away, and the fifth there [indicating], at the end of the third column on that page. They were disconnected and taken utterly out of their context *and rearranged.*

But, Mr. President, this was not the worst. Two of them were actually *changed.* The sentence as read by the Senator from Michigan is as follows:

> When I study the history of the *church* I find that it is at all times the same.

Appears, in reality, as printed in the paper from which the Senator said it was taken, as follows:

> When I study the history of the *people* I find that it is about the same as it has always been, with but a few exceptions.

Where the Senator quotes Mr. SMOOT in another place as saying that he is not ashamed of the power and position of the Mormon Church, the true quotation is:

> I am not ashamed of the gospel of the Lord Jesus Christ, for it is the power of God unto salvation.

Doesn't that sound familiar? It should, for that sentence *is a quotation from Paul.*

Even that is not the worst. The whole address is not about polygamy or any other violation of the law. The entire address concerns the distribution of church funds, which the authorities had been charged with spending corruptly. Men in the church and out of it had sought to create a schism in the church, to split it asunder, and they had done so by charging that the church funds were being corruptly used, so as to destroy the people's confidence in the church officers.

That is the subject of the whole address, and the purpose of Senator SMOOT in addressing the congregation there was merely to restore the confidence of the great congregation in the chief authorities of the church. Yet notwithstanding all of this, it was actually used on this floor to blacken this man, and so effectively used that the Senator from Arkansas based most of his speech upon it. It is only fair to the Senator from Arkansas to say that he quoted the extract entire, exactly as given in the speech of the Senator from Michigan. The Senator from Arkansas did not know, any more than the Senator from Michigan knew, that it had been extracted from widely separated portions of Senator SMOOT's speech, rearranged, *and sentences actually changed.*

But here, Mr. President, is the closing sentence of Senator SMOOT's address—and *this* sentence *was not read:*

> We will continue to be good citizens of this Nation. We will uphold and pray for it. We will be true men and true women to our church, to our country, and to our God.

Why was not that sentence read?

THE CHARGE OF TREASON.

What now of the charge of treason which is made before this court? It is said that the Senator which Utah has sent here as her representative—sent by the members of Utah's legislature, who were both Gentiles and Mormons, both women and men—should be expelled because he has taken an oath inconsistent with his oath as Senator; because he owes a higher allegiance to his church than to his country.

This charge on which he is being tried before this court is second only in its gravity to the charge of polygamy upon which he has been tried before the people. If either charge were true *he ought to be expelled.* We have seen that the charge upon which he has been tried before the people is worse than false. Now I shall show that the charge upon which he is being tried before this court is also worse than false.

All Mormons take the same religious obligations—the same oath, if oath there be. Six witnesses who had taken the oath swore that it contained the obligation of vengeance upon the Nation, though none of them agreed as to the exact language. Of these six witnesses all but one were impeached, and that one *did not use the word Nation at all.*

In addition to impeachment, three were shown to be drunkards; one insane, having the hallucination that he had personal relations with the devil, and one admitted on the stand that she had perjured herself. The testimony of these witnesses would not be received in any court of justice; and if received, any judge would direct any jury to disregard their evidence.

Against this, witness after witness of perfect reputation, who had taken the endowment ceremonies, testified that no such oath was administered; and no attempt was made to impair or impeach their testimony. Finally, Senator SMOOT himself, under oath, testified that he had never taken or heard of such an oath, but that on the contrary he and his people were taught love of country and devotion to the Republic.

THESE "TRAITORS" DIED ON THE BATTLEFIELD FOR THE FLAG.

But this is not all. I was in the Philippines during the insurrection. I was with General Lawton in the Morong campaign. I took part in the advance on Taytay. The day before that advance I met many officers and men. Among them was a major of artillery named Richard W. Young, in command of the Utah battery. After General Lawton had introduced me, I asked him as we walked away, "Is that man from Utah, and if so, is he a Mormon?" General Lawton answered, "He is from Utah and is a Mormon and the best volunteer artillery officer in the Philippines."

In surprise I asked General Lawton, "And these Utah batteries—are any of these men Mormons?" And General Lawton answered, "Yes; a great many of them; and they are splendid soldiers."

Then I asked whether any Mormons had been killed or wounded in action, and General Lawton said: "Men of these batteries have been both killed and wounded; but of course I do not know whether those killed and wounded were Mormons or not. But all of them are brave men and splendid soldiers."

But many of the Mormon members of these volunteer Utah batteries were killed and wounded. I will now read to the Senate the official statement of the War Department giving the service of these Utah batteries, showing the men killed or dying from wounds, among them many Mormons—no Mormons died of disease—and telling the service they performed and the engagements in which they participated in the war with Spain:

> WAR DEPARTMENT,
> THE MILITARY SECRETARY'S OFFICE,
> *Washington, February 18, 1907.*
>
> Hon. ALBERT J. BEVERIDGE,
> *United States Senator, The Portland, Washington, D. C.*
>
> SIR: Referring to your telephonic request of to-day for a statement showing the military record of Harry A. Young and Richard W. Young, Utah Artillery, the names of those who were killed, who died of disease, and who were wounded as of that organization, and the engagements in which the batteries participated in the Morong Peninsula, I have the honor to inform you as follows:
>
> It is shown by the official records that Harry A. Young was enrolled May 5, 1898, at Fort Douglas, Utah; that he was mustered into service May 9, 1898, as quartermaster-sergeant with Battery A, Battalion, Utah Artillery Volunteers, and that he was killed in action February 6, 1899, near Manila, Philippine Islands. His service is recorded as honest and faithful, and he was specially mentioned by the commanding officer of the battery for meritorious service in action on the night of July 31, 1898, as one of the seven members of the battery who were selected from a large number of volunteers, and who went forward as a relief party from Camp Dewey, Philippine Islands, to the trenches through the heaviest part of the firing.
>
> This soldier was detailed October 1, 1898, on special duty with the board of health at Manila, Philippine Islands, and on January 16, 1899, Maj. Gen. E. S. Otis, commanding the Eighth Army Corps, cabled from Manila, Philippine Islands, to the War Department a request that the governor of Utah be authorized to appoint Quartermaster-Sergeant Young an assistant surgeon. The governor of Utah was informed on the same day of the request and of his authority to make the appointment, and he informed the Department January 19, 1899, that the appointment had been made. On January 20, 1899, telegraphic instruc-

tions were issued from this Department directing the soldier to report to a board of officers, at such place as the president of the board might designate, for examination as to his fitness for promotion to the grade of assistant surgeon. No record has been found of his examination under those instructions, his death having doubtless precluded further action in his case.

The records also show that Richard W. Young was mustered into service May 9, 1898, as captain, Battery A, Battalion, Utah Artillery Volunteers; that he was mustered into service as major of the battalion to take effect July 14, 1898, and that he was discharged the service as of that grade June 28, 1899.

Following is a list showing the names of those members of the batteries mentioned who were killed or died of disease and were wounded:

Battery A.—Killed or died of wounds: Harry A. Young, quartermaster-sergeant; Fred Fisher, sergeant; John G. Young, corporal; Wilhelm I. Goodman, private. Died of disease: George O. Larson, corporal; John T. Kennedy, private; Oscar A. Feninger, private; Charles Parsons, private. Wounded: Edgar A. Wedgewood, captain; David J. Davis, private; Ray Kenner, private (accidentally).

Battery B.—Killed or died of wounds: Moritz C. Jensen, corporal; George H. Hudson, private; Frederick Bumiller, private; Max Madison, private. Died of disease: Richard H. Ralph, private. Wounded: George A. Seaman, second lieutenant; Andrew Peterson, sergeant; Henry L. Southers, corporal; John Abplanalp, private; Peter Anderson, private; John Braman, private; Parker J. Hall, private; Joseph G. Winkler, private; John A. Pender, private.

The records also show that the principal events connected with the service of the batteries mentioned, including the actions in which they participated, were as follows:

Battery A.—Battery organized May 5, 1898, by Capt. R. W. Young, at Salt Lake City, Utah, traveled to Fort Douglas, Utah, on that day and was mustered into service on May 9, 1898, by Lieut. B. V. Wells. Proceeded by rail to San Francisco, Cal., arriving on May 22. Sailed from San Francisco for Manila, P. I., on board transport *Colon*, June 15. Arrived in Manila Bay July 16, landing on July 20. Fifty-two recruits joined battery at Manila August 28. Battery participated in Spanish-American war and Filipino insurrection. Record of engagements: Malate, July 31; Malate, August 1; Malate, August 2; Malate, August 8; capture of Manila, August 13, 1898. In Spanish-American war: Santa Mesa, February 4 and 5; Sanpalog, February 4 and 5; Sanga Ana, February 5; advance on pumping station, February 6; near Caloocan, February 10; Guadalupe, February 13; Pasig Island, February 14; Guadalupe, February 15; north and east of pumping station, February 22; San Pedro Macati, February 18; Balic Balic, February 23; near La Loma Church, February 23; Mariquina road, February 24; Mariquina, February 25; Guadalupe, February 26; San Pedro Macati, March 1; San Pedro Macati, March 3; Guadalupe, March 4; Maraquina road, March 6; pumping station, March 6; south of San Juan del Monte, March 7; pumping station, March 7; near San Francisco del Monte, March 10; Guadalupe, March 13; Pasig City, March 13 and 14; Santa Cruz, March 16; Maraquina, March 16; Morong, March 17; Jalajala, March 17; near San Francisco del Monte, March 17; Bunangouan, March 20; Maraquina, March 25; Pasig City, March 25; Caloocan, March 25; near San Francisco del Monte, March 25; La Loma Church, March 25; Talapapa, March 25; Bunangouan, March 26; Pasig City, March 26; Tulihan River, March 26; Malinta, March 26; Bolucan, March 28; Marilao, March 29; Bigaa, March 29; Malolos, March 31; San Mateo Valley, March 31; Taytay, March 31; Santa Cruz, April 10 and 11; Pagoanjan, April 11; Orina, April 12; Quinqua, April 23; Bagbag, April 25; Calumpit, April 27; Santo Tomas, May 14; Sexmoan, May 17; Guagua, May 17; San Luis, May 14; San Luis, May 16; Expedition to Candaba, May 17 and 18; Santa Rita, May 23; San Fernando, May 24; San Fernando, May 25; Cainta, June 3; Morong, June 4; Muntinlupa, June 10; San Fernando, June 16; San Fernando, June 22, 1899, in Filipino insurrection.

Battery embarked on United States Army transport *Hancock* at Manila June 29; arrived in San Francisco, Cal., July 29; mustered out of service by First Lieut. C. N. Purdy August 16, 1899.

Battery B.—Battery mustered into the service of the United States May 9, 1898, at Fort Douglas, Utah. Left Fort Douglas and arrived at Camp Merritt May 22, 1898. While at Camp Merritt battery performed regular routine duty. Battery embarked on the transports *China* and *Zealandia* June 14, 1898. Sailed June 15, 1898. Arrived at Honolulu June 23, 1898. Sailed from Honolulu June 25, 1898. Arrived at Manila July 17, 1898. Disembarked July 22, 1898. Served during Spanish-American war in the Philippines as follows: Battles of Malate, July 31 and August 1; Manila, August 13, 1898. Served in Philippine insurrection as follows: Some detachments of this battery participated in all engagements of the Second Division, Eighth Army Corps, commanded by Maj. Gen. MacArthur, north of Manila from February 4 to June 23, 1899, inclusive, the principal engagements being Tondo, February 4 to 5; La Loma Cemetery, February 5; San Juan del Monte, February 5; bombardment and capture of Caloocan, February 10; battle Malinta, March 26; Meycanagan, March 27; Marilao, March 27; Santa Maria River, March 29 and April 7; capture of Malolos, March 31; Quingua, April 23; Babbag River, April 25; Calumpit, April 27; Santo Tomas, May 4; San Fernando, May 23 and June 16. One detachment with General Lawton's division in advance form Nozagaray to Candaba and capture of Nozagaray, April 24; Angat, April 25; San Rafael, May 1; Balinag, May 2; Maasin, May 5; San Luis, May 14; San Isidro, May 17. Detachments of this organization were on board the United States gunboats *Laguna de Bay* and others, under the command of Captain Grant. These boats assisted in the bombardment and capture of the following cities: Santa Ana, February 5, 1899; San Pedro Macati, March 3; Guadaloupe and Pasig, March 14; Santa Cruz, April 10; *Pagraigan* and six steam boats, April 11; Bacalor, Guagua, and Sexmoan, May 7 to 9; Candaba, May 18. Minor engagements and skirmishes are not mentioned. Battery embarked on United States Army transport *Hancock* June 29, and sailed July 1; arrived at Nagasaki, Japan, July 6; left Nagasaki July 10; arrived at Yokohama July 13; left Yokohama July 15; arrived at San Francisco, Cal., July 30, 1899. Disembarked and went into camp at Presidio, California, July 31. Mustered out of service at Presidio, California, August 16, 1899.

Very respectfully,

F. C. AINSWORTH,
The Military Secretary.

About half of the members of these batteries were "Gentiles," and about half were "Mormons." And the killed and wounded were about equally divided. Harry Young, the officer killed in action, of whose gallantry the War Department speaks, was a Mormon. The Filipino bullets found no "treason" in these Utah hearts. How better can men prove their loyalty than by their lives?

Yet every one of these men had gone through the same church ceremonies that Senator SMOOT has gone through. It was an inspiring circumstance. It filled me with emotion and uplifted me with a pride to find that here, thousands of miles from home, Americans of every religious creed and every political party—Protestant and Catholic, Jew and Mormon, atheist and Christian, Democrat and Republican—were giving their blood and their lives for the honor of the flag. It was glorious to know that when the flag of our country is fired upon, no matter where or by whom, men of all churches and of all parties leave home and loved ones and journey around the world, if need be, to suffer and die in its defense.

THE AMERICAN PEOPLE A UNITED PEOPLE.

I witnessed only one other incident in the Philippines that showed how thoroughly this Republic is one and how profoundly loyal all its citizens are, and that was in the swamps around Iloilo. The Tennessee regiment there had as its officers Col. Gracey Childers, son of a Confederate soldier, Lieutenant-Colonel Bayliss, son of a Confederate soldier, and Major Cheatham, son of General Cheatham, of the Confederate army. These sons of men who had fought as men have seldom fought for a principle of Government had accepted as completely as their fathers the settlement of that great issue and were as proud of their uniforms and as devoted to the Nation as were the men whom Washington led through sacrifice to victory.

No, Mr. President, it is not true that any section of this country is disloyal. It is not true that hundreds of thousands of American citizens are banded together to destroy the Republic. The men I saw on the firing line prove that it is false. The men killed in battle beneath the colors prove that it is false. The graves of American soldiers all over the Republic—in Utah as well as in Michigan—prove that it is false. We are one people, thank God, equally devoted to free institutions, of which none is more precious than that of religious liberty.

RELIGIOUS LIBERTY.

Religious liberty! Religious intolerance has stained crimson more of this earth than any other cause. Religious tolerance is one of the corner stones of this Republic. Attempts have been made to shatter it, but it remains firm and unimpaired. Older Senators remember the Know Nothing movement of the fifties; all of us remember the A. P. A. movement of a few years ago, when charges were made against a splendid church, in exact words a reproduction of one of the charges about the political domination and purpose of this Senator's church which are now made here.

I have on my desk the books that recite formal complaints upon which it was sought to inflame the people, and you could lay them side by side with this particular charge made here now and not tell the difference. I have here the history of my own church, the Methodist Church, which recites the charges made against the Methodists in England, when, because of such charges, John and Charles Wesley were stoned, and but for God's providence would have been killed. I have here the story of the persecutions of the Quakers, and also the terrible, but true tale of the burning of the witches in New England.

PRINCIPLES THAT MAKE THE FLAG SACRED.

But against all of these the spirit of liberty at last prevailed. And this in the final analysis is the ultimate issue before us. For polygamy I have a hatred made stronger by disgust. For enemies of our Government I have a hatred intensified by the period and circumstances of my birth. But we have seen that this accused man is not a practicer of this revolting crime, but its enemy. We have seen that he is not a traitor, but a loyal man. And so the only question that remains is that of the tolerance of his religion. And though his religion is to me incomprehensible, grotesque, and absurd, I hate intolerance of it and all religions as much as I hate treason, with which he is falsely charged before this court, or the other unspeakable shame with which he is falsely charged before the people.

Obedience to law, tolerance of opinion, loyalty to country—these are the principles which make the flag a sacred thing and this Republic immortal. These are the principles that make all Americans brothers and constitute this Nation God's highest method of human enlightenment and living liberty. By these principles let us live and vote and die, so that "this Government of the people, for the people, and by the people may not perish from the earth." [Applause in the galleries.]

Before the conclusion of Mr. BEVERIDGE's speech,

Mr. BURROWS rose.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. I do.

Mr. BURROWS. Of course I have no objection to the Senator speaking at any length, but it is understood by the Senator from Illinois and myself that the time shall be equally divided.

Mr. BEVERIDGE. I will close in a very few moments.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. I have been necessarily absent from the Senate, as Senators are aware, and for that reason I do not know anything about the arrangement that is now referred to. The duties that I have been attending to have been postponed for the day, among other reasons that I might come here and, if there was opportunity, participate to some extent at least in this debate. I should be glad if the Senator would advise me what he has in mind. I have not a great deal to say, but I want to say something, if it is convenient.

Mr. BURROWS. The suggestion was made by the Senator from Illinois [Mr. HOPKINS], as we had four hours and a half, that that time should be divided. That was objected to by the Senator from Mississippi [Mr. MONEY]. Subsequently, in a personal conversation with him, he withdrew his objection, and the agreement will be entirely satisfactory to me.

Mr. BEVERIDGE. I would have been through by this time, because I am shortening this address, and I am shortening it a great deal on account of my desire to give the Senator from Michigan all the time possible at the close.

After the conclusion of Mr. BEVERIDGE's speech,

Mr. CARMACK. Mr. President, I shall offer as a substitute for the pending resolution the following:

Resolved, That REED SMOOT, a Senator from Utah, be expelled from the Senate of the United States.

I can not vote for the resolution in its present form. For the substitute which I have offered, or if that shall fail, for the amendment offered by the Senator from Illinois, I can vote in all good conscience.

I say that, Mr. President, without intending in any way to impeach the personal life and character of the Senator from Utah, which so far as I know have been clean and right, and without attempting to impeach his conduct and character as a member of this body, which I believe to have been upright and honorable, I shall vote for his expulsion because I believe that as an apostle of the Mormon Church he owes duties and obligations which are inconsistent with his duties and obligations as a Senator.

But, Mr. President, while my inclinations have all along been to vote for the resolution in its present form, the Senator from Pennsylvania [Mr. KNOX] in his clear and perfect argument has demonstrated conclusively to my mind that the purpose of this resolution is simply to accomplish the fact of expulsion, while attempting to evade the constitutional requirement of a two-thirds majority.

The Constitution provides that each House shall be the judge of the election, returns, and qualifications of its members. There is no question that the Senator from Utah was elected in the manner prescribed by the Constitution; there is no question as to the validity of the returns of the election; and he has all the qualifications required in the Constitution.

If there are other qualifications for a United States Senator, unknown to the Constitution and the law, they are unknown to me. If there be such qualifications, what are they? Are they undefined? Is it possible that the makers of the Constitution intended that there should be no way by which a State could know in advance of the election what were the necessary qualifications for a Senator? Is it possible that it was intended that there should be no standard of eligibility except the varying moods and passions of the Senate, which might prescribe one qualification at one time and another qualification at another, and different qualifications for different States and different Senators?

In the same section of the Constitution it is provided that each House, with the concurrence of two-thirds, may expel a member. That power is absolute and may be exercised for any cause. The power is guarded by the provision that it shall require a two-thirds vote. Why were the makers of the Constitution so careful to provide that no member should be expelled from this body except by a two-thirds vote, if they had provided already, in the very same section of the Constitution, that by a mere change in the verbiage of the resolution, the very same result could be accomplished by a mere majority of the Senate for any cause whatever?

Mr. President, if the power contended for by the supporters of this resolution exists, if a bare majority of the Senate for any cause whatever may cast a man out of this body who has all the constitutional qualifications, who was fairly and honestly elected, then the provision that it shall require two-thirds to expel a member is not worth the paper upon which it was written.

Why were the framers of the Constitution so careful to provide that no State should be deprived of its equal representation in the Senate and to fix that right so firmly in the Constitution that it could not be taken away by amendment, that it could not be taken away by two-thirds of both Houses and three-fourths of the States, if a bare majority of this body may at any time and for any cause deny a State its representation in the Senate?

Mr. President, I have a great deal of sympathy with the gallant and heroic fight which my friend from Idaho [Mr. DUBOIS] has been making against the corrupt and wicked power of the Mormon Church; but I can not agree with my friend when he speaks of these objections as technical. Mr. President, they go to the very substance of the Constitution and to the very substance of the rights of the States. I am not willing to vote for any precedent which will allow a bare majority of the Senate to cast out the representative of a sovereign State, and I believe that no Senator, especially no Senator from the South, ought to be willing to establish that precedent.

Mr. OVERMAN. I should like to ask the Senator from Tennessee if he knows of such a precedent in the election cases in the Senate, where a member was expelled by less than a two-thirds majority.

Mr. CARMACK. I do not think it was ever attempted.

Mr. OVERMAN. There are three cases, I will say to the Senator from Tennessee. One is the Gallatin case, where a Senator was excluded because he was not nine years a citizen of the United States. Another was excluded where he was lacking in one of the other qualifications required by the Constitution, and therefore not elected; and one other Senator was excluded because he was elected by only a plurality. They were excluded by a majority vote. But in all other cases, so far as I can find, where the right to sit here was in question and has been determined in the Senate, there was not a case but that required a two-thirds vote of the Senate.

Mr. CARMACK. Mr. President, there was a Senator from my own State expelled from the Senate because he was charged with being in sympathy with the rebellion; but even for such a cause as that, and in such a time of passion as that, it was admitted that it would take a two-thirds vote to expel him, and it has never been attempted to be done in any other way.

Mr. HANSBROUGH. Mr. President, I shall cast my vote in favor of the resolution now pending. Were I to do otherwise I should feel that I had condoned every offense ever committed against good morals and the written laws of the country by the Mormon Church. Not the least among the long list of these offenses was the sending to this high legislative tribunal of one of the active apostles of the Mormon organization.

These words, Mr. President, are not uttered in hostility to or out of any lack of respect for REED SMOOT. They are spoken to give expression to the views I hold in regard to Mormonism, based upon the public record it has made for itself. In sending its apostle here the Mormon managers, always aggressive in advancing the political interests of their leaders, furnished us with another sample of brazen effrontery in further defying the public sentiment of the country relative to the obnoxious institution for which they are responsible. Having intrenched itself in political power in many States and Territories, Mormonism comes here seeking a clean bill of health in the form of an indorsement of all its flagrant misdeeds. The defeat of this resolution would be tantamount to putting the seal of official approval upon a conspiracy conceived, as I believe, in treasonable antagonism to our republican institutions.

Mr. President, there is not a city or village or hamlet in any section of the Union, where Mormonism is not in control of local affairs, that does not welcome to its circle of institutions of moral advancement the coming of a new church society or organization representative of any or all of the existing creeds of religious faith, save that of the Mormon Church. A proposal to establish a society of this creed in my own State, where Mormonism has not yet reared its head, would evoke a storm of pro-

test. So it would, I confidently believe, in any other section of the country where the institution is not in political control.

The Senator from Indiana asked that he be not interrupted. It had been my intention to ask that Senator if he would be willing to welcome to Indianapolis, the Senator's home, the establishment there of a Mormon tabernacle, with all its accessories and trimmings, including the twelve apostles and the president and councilors of the Mormon Church. I am sure he would gladly welcome the coming of a Presbyterian college, a Catholic university, or any other institution of moral advancement, but I doubt very much if he would as gladly welcome the removal of the Mormon machinery from Salt Lake City to the proud and virtuous capital of his own State.

It is a striking fact that no one, save Senator SMOOT himself, has arisen here to defend Mormonism, but only to excuse it. One Senator has said, in effect, that the Mormonism of to-day is not what it was a few years ago. The arguments on the other side have been devoted wholly to a defense of Senator SMOOT, who, as we personally know him here, needs no defense. The Clifton Springs letter, read by the Senator from Indiana, speaks highly of Senator SMOOT, who had on one occasion shown the writer a favor, but not a word for Mormonism.

It will be time enough, Mr. President, for this law-giving body to embrace in its membership the apostolic representatives of Mormonism when that organization, duly renovated and reformed, no longer a menace to civilization, is worthy of admission in full fellowship with other organizations, against whose history, tenets, and practices the moral sentiment of the land is not in revolt.

After the most serious consideration of the question upon which I am in duty bound to cast a vote, I have been unable to reach any other conclusion than that in this very peculiar and exceptional case my action must be controlled by a law more profoundly fundamental than the literal texts which have furnished the eloquent arguments of Senators with whom I am obliged to disagree.

I have been surprised that Senators who have spoken against this resolution have done so as if this were an ordinary case in court; as if they were defending a criminal at the bar. The opponents of Senator SMOOT do not charge him with being a criminal. They put the case upon a higher plane than that. They charge that he is here as the special representative of an institution that has not hesitated to commit a crime whenever its spiritual or its temporal interests demanded it. There is a great moral principle involved here. What are termed the "legal aspects" of the case are of secondary importance. The Mormon Church is on trial for high crimes and misdemeanors before a court whose jurisdiction in an extraordinary case like this extends beyond the mere application of written law.

In dealing with the dangerous doctrine of an institution established upon the principle that it is superior to the governmental system under which we live we can afford to rise above conventional constitutional construction. The higher law should be invoked, the unwritten law embraced in the inherent duty of every citizen of the Republic to defend the written instrument from the assaults of those who would destroy it.

With the history of the Mormon Church before us it is discreditable to the universally accepted creeds of religious faith to say that Mormonism found its inspiration in religious convictions; that its sponsors were moved wholly by a desire to serve God, and thus to contribute to the salvation of mankind. It is impossible for me to associate Mormonism with other sectarian organizations. It has no place in such a classification. I am in full accord with the constitutional provision that everyone should worship God in his or her own way, but I have no sympathy with an organization whose oath-bound members array themselves in "the livery of heaven" in order that they may gain control of temporal affairs, social, political, and commercial. In this respect the Mormon Church is notoriously unique. Its scheme of salvation is based wholly upon its success in dominating the political fortunes of the community in which it conducts its operations. Without this advantage it would be a failure. Once in political control it moves rapidly forward until it acquires complete business and social supremacy. At all times the saving of souls is but an incidental part of its strange enterprise. And yet at no time and in no way, not even through its perfected system of colonization, has it been enabled to hide itself from the penetrating public gaze. The law-abiding people of the land have not been deceived. From Nauvoo to the endowment house at Salt Lake City, from the place of plural marriages there to the tithe-paying colony, from the colony to the ballot box, and the ballot box to the United States Senate an indulgent public has looked steadily on in prayerful hopefulness that the time would surely come when the strange and devious course of Mormonism, ever defiant of popular opinion, stimulated with the lust of possession and power, would receive a check. That time has come, and no more fitting place could be chosen than in this Chamber of impartial judgment for the rendering of the long-delayed verdict.

Mr. FORAKER. I do not know, Mr. President, what arrangement has been made as to the division of time. Therefore I do not know whether I am to be limited or not; but I infer from what has been said that all who speak hereafter will be expected to speak very briefly.

Mr. BURROWS. If the Senator will allow me——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. FORAKER. I do.

Mr. BURROWS. It has been agreed between the Senator from Illinois [Mr. HOPKINS] and myself that the time shall be divided equally, each side to have two hours and fifteen minutes. There has been consumed on the side of those who are opposed to the resolution one hour and ten minutes, leaving an hour and five minutes remaining.

Mr. FORAKER. An hour and five minutes remaining.

Mr. BURROWS. Yes.

Mr. FORAKER. I do not know how many others are to speak, but I will be just as brief as I can be. I shall be brief, Mr. President, because it suits me to be brief. I have been so exceedingly busy with other matters that I have not had an opportunity to make any preparation whatever for the discussion of this resolution. It suits me to be brief in another respect. I am aware that other Senators have elaborately discussed this whole case, and that at this time it is not necessary that I should take it up for discussion in that elaborate way in which I would feel it my duty to discuss it if it had not been for the previous discussion. All I want to say I can say, therefore, in a few minutes.

I want to say something chiefly because this whole case as it has been presented on the other side, as I have understood the spirit of the speeches that have been made and the speeches themselves, was well illustrated by the remark made by the Senator from North Dakota [Mr. HANSBROUGH], who has just taken his seat, when he said that in this case the Mormon Church was on trial. I know, Mr. President, that by a good many, both in the Senate and outside of the Senate, that idea seems to have prevailed, but it has not with me. I have understood from the beginning that not the Mormon Church, not Joseph F. Smith, not anybody but only REED SMOOT, was on trial, and that we had in the trial of REED SMOOT to bear in mind not what the Senator from North Dakota said he thought it our duty to be governed by, namely, a higher law, but the Constitution of the United States.

We sit here, as the Senator from Indiana [Mr. BEVERIDGE] very eloquently said a while ago, as a higher court, every man charged with an official duty which he must perform. His duty is at all times governed by his oath of office, which requires him to support and uphold the Constitution of the United States. There is nothing in his oath of office about a higher law.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. FORAKER. Certainly.

Mr. HANSBROUGH. I call the attention of the Senator to the fact that, from my standpoint, there is a great moral obligation involved in this case—much greater than the mere question of the seat of REED SMOOT in this body.

Mr. FORAKER. Mr. President, the Senator stated that when he was making his speech a few minutes ago. There is a great moral question involved, and I would think I was violating all the morals of this case if I were to vote in this matter contrary to the requirements of my oath of office.

This higher law we all appreciate. The Senator from North Dakota is not the only man who thinks of the higher law; we all think of it; but the trouble about following the higher law is that every man writes the higher law to suit himself. [Laughter.] What we are here to follow and to be governed by and to observe—and we violate our oaths of office if we do not do it—is the Constitution of the United States in its requirements.

Now, coming to this case, I do not know that I fully understood the amendment offered a moment ago by the Senator from Tennessee [Mr. CARMACK] to the resolution of the Senator from Michigan.

Mr. SPOONER. It provided for expulsion.

Mr. FORAKER. Yes; as I understand, he proposes so to

amend the resolution of the Senator from Michigan that we shall vote to expel instead of simply that the seat shall be vacated. I shall vote for that amendment, and then I shall vote against expulsion. I shall vote against expulsion, because, Mr. President, according to my knowledge of this case and the opinion I have of the testimony and of the rules governing us, no case whatever has been made that will justify us either in declaring vacant the seat or expelling the Senator from Utah.

The Senator from California just called my attention to the fact that the Senator from Illinois [Mr. HOPKINS] has offered an amendment. I was not aware of that. I have been absent from the Senate on other duty. I will vote for the one or the other. [Laughter.] I will vote for the one that provides that our vote shall be a vote of expulsion. Then I will vote against expulsion.

Mr. President, on what ground are we to expel REED SMOOT? He does not lack any of the constitutional qualifications. He is 30 years of age, and more. He has lived in this country more than nine years and in the State of Utah more than a year. He possesses, in other words, all the constitutional qualifications to be a Senator of the United States. He was regularly and duly elected by the legislature of Utah, and there has not been a criticism as to the character of that legislature. There has been no charge of bribery or corruption or graft or anything else to discredit him or to discredit the transaction resulting in his election. He was not only elected by a majority of that legislature voting for him, but that majority was composed of Mormons and non-Mormons alike. The line of church division was not drawn. There was nothing whatever, therefore, in the manner of his election that is criticised here.

Neither, Mr. President, as the Senator from Indiana has forcibly pointed out, is there anything in his private character for which he is to be here criticised. The truth of the matter is, Mr. President, that REED SMOOT, by the sworn testimony given in this case, has proven a better character than any other Senator here has a right to claim. [Manifestations of applause in the galleries.]

The VICE-PRESIDENT. The Chair will admonish the occupants of the galleries that applause is not allowed under the rules of the Senate.

Mr. FORAKER. He is so good a man that I sometimes almost doubt him. He seems to have no vices whatever. He does not drink or chew or smoke or swear, and he is not a polygamist; but, on the contrary, Mr. President, from early youth, as the testimony read by the Senator from Indiana a few moments ago shows, he was distinguished in the Mormon Church for his opposition to plural marriages. In early youth, although the son of a plural wife, he raised his voice against the continuance of polygamous marriages in the Mormon Church, and from that day until this has stood the opponent of that idea. It is not on that ground, then, that we can expel him, and, of course, we can not expel him for a mere belief.

Mr. President, limited as I am, I must pass over much I would be glad to say if I had time enough to dwell upon this case; but there are two propositions on which the opposition to him is specially urged. One is that he has taken an endowment oath, the obligations of which involve disloyalty to the United States Government. I took the pains to pay particular attention to the testimony on that point when it was given. I have taken pains to analyze it since. That charge was made by some of the protestants, but it was abandoned by them before the case had very far proceeded. Later in the progress of the case, when every other ground seemed to have failed on which there could be a conclusion reached adverse to REED SMOOT, that charge was revived.

Only seven witnesses all told have testified against him on that point. I want to point out to Senators who those witnesses are. The first one testified that an oath—and he undertook to describe what it was, improper in its character—had to be taken to pass through the endowment house. But this witness was shown by indisputable and uncontradicted testimony to be a man of bad reputation for truth and veracity and to be under the hallucination referred to by the Senator from Indiana. He was shown to be unreliable, as is shown by the testimony; in other words, witnesses did not hesitate to say that they regarded him as a crazy man whose statements could not be followed.

He was followed by two other witnesses who were also, by testimony that was uncontradicted, shown to be utterly unreliable. Then we had another witness, a Mrs. Elliott, who committed perjury on the stand, and admitted, on her cross-examination, that she had committed perjury in the testimony that she gave before the committee.

Then they called some other witnesses, all of whom, except one, contradicted the very proposition they were called to support—that is, by their testimony they showed that no such obligation as that relied upon to be established had ever been taken or had ever been administered. The last witness on that subject was a Professor Wolf. He testified at length, and it developed on his cross-examination that he had been connected with the church and with one of its educational institutions; that he had become addicted to drinking; that he had lost his place; had been dismissed from the service; had left the church, and had turned against it, and that he was of such character that his testimony was not reliable.

So that, not disregarding any higher law, but following strictly and conscientiously the requirements of our oath of office, seeking to do justice to this man and to this Government, upon the testimony offered we reached the conclusion that there was no evidence to warrant our finding that any such oath had ever been administered. We did not do that alone because the testimony in support of that claim was unsatisfactory, but also because of the testimony of witnesses, unimpeached and unimpeachable—among others, the testimony of REED SMOOT himself—that no such oath ever was administered.

The only other ground is that in the State of Utah polygamous cohabitation continues, and the relation of REED SMOOT to his church, in his apostolic position, makes him responsible for it.

Mr. President, if we are to try the Mormon Church, as the Senator from North Dakota said, there is a great deal of testimony here that is hard on the Mormon Church. There is a great deal of testimony here that is very hard on different members of the Mormon Church; but when we take the testimony and come to see what it is and to analyze it and determine what force and effect it should have as to the question of polygamous cohabitation, we come to a most peculiar condition of things.

The testimony shows that in 1890 a manifesto was issued by the church by which all plural marriages were thereafter prohibited. The testimony further shows that since 1890 there have probably not been as many plural marriages among the Mormons since then as there have been bigamous marriages among the same number of protestants—not as many in all probability, for the number is exceedingly few. In 1890 there were about 2,400 polygamous familes living in Utah. Now there are less than 500. The law prohibits polygamous cohabitation, but it is a very singular state of law we have in that respect.

The law prohibiting polygamous marriages legitimatizes the children of those marriages. So it was that under the law the father who had plural wives and children by those plural wives had his children legitimatized, and under the law they having been legitimatized, it was not only his privilege but his duty to live with them and to care for them; but if he was to live with his children and to care for them, what was he to do and what was to be his relation as to his wife, the most innocent of all concerned? It made a particularly hard case, and it was a hard case to deal with not only in Utah, but throughout the world wherever Christian people have been called upon to deal with polygamous cohabitation and polygamous marriages.

What did they do in Utah? They undertook to prosecute. But with what result? I will read just an extract or two from the testimony.

Judge William McCarthy, of the supreme court of Utah, a non-Mormon and an uncompromising opponent of polygamy, who has held many important offices of trust, among others that of assistant United States attorney for Utah, and who, as such, was charged with the duty of prosecuting these offenses, testified as follows:

> I prosecuted them (offenses of polygamous cohabitation) before the United States commissioners up until 1893, when the United States attorney refused to allow my accounts for services for that kind of work, and then I quit and confined my investigations before the grand jury in those cases.

In explanation of his action he testified:

> That he found the press was against the prosecutions; that the public prosecutor, whose attention he invited to the matter, refused to proceed. From this and other facts which came to his knowledge, Judge McCarthy reached the conclusion that the public sentiment was against interfering with men in their polygamous relations who had married before the manifesto.

I will quote from another witness. I want to quote just enough to show what the whole testimony was in this respect. Mr. E. B. Critchlow, a non-Mormon attorney at law of Salt Lake City, one of the principal managers of this proceeding against Mr. SMOOT, who gave the case his personal attention, attending most of the meetings of committee, testified before the committee:

> That after the manifesto of 1890 there was no inclination on the part of the prosecuting officer to "push these matters as to present co-

habitation," "thinking it was a matter that would immediately die out;" that it was well known that Apostle John Henry Smith was living in unlawful cohabitation; that non-Mormons generally made no objection to it; that they were disposed "to let things go," and that that was the general feeling from the time of the manifesto in 1890 "down to very recent times—pretty nearly up to date, or practically up to date."

I might read from numerous other witnesses, all to the same effect, to show that these peculiar situations and conditions were recognized by the whole people, and that when they undertook to prosecute there was no sentiment to support such prosecutions, and that by common consent matters were allowed to drift, upon the theory that it was only a question of time, and not a very long time, until all who were living in polygamous cohabitation would die off and that kind of cohabitation would of necessity cease. What they were industrious about was to prohibit further plural marriages.

But the situation in Utah is not peculiar in that respect. I have here an extract from the Presbyterian and Reformed Review, volume 7, for 1896, from which I will read. The article from which I take this extract is entitled "The baptism of polygamists in non-Christian lands." I read this to show that wherever the church has gone and wherever it has encountered polygamy it has had the same character of trouble that it has had in Utah, and it has felt itself compelled to deal with it precisely as the people have been dealing with it in Utah. This article says:

At the regular meeting of the synod of India, held in Ludhiana, November, 1894, among the most important questions which came before the synod was this: Whether in the case of a Mohammedan or Hindoo with more than one wife, applying for baptism, he should in all cases, as a condition of baptism, be required to put away all his wives but one. After a very thorough discussion, lasting between two or three sessions of the synod, it was resolved, by a vote of 36 to 10, to request the general assembly, "in view of the exceedingly difficult complications which often occur in the cases of polygamists who desire to be received into the church, to leave the ultimate decision of all such cases in India to the synod of India." The memorialists add: "It is the almost unanimous opinion of the members of the synod that, under some circumstances, converts who have more than one wife, together with their entire families, should be baptized."

Being limited as to time, I will ask permission to have printed in the RECORD the rest of the article, without stopping to read it.

The VICE-PRESIDENT. Without objection, permission is granted.

The remainder of the article is as follows:

Not only is it thus the fact that more than four-fifths of the members of the synod of India believe that it may sometimes be our duty, under the conditions of society in India, to baptize a polygamist without requiring him first to put away all his wives but one, but when the missionary ladies present during the sessions of synod, desirous of ascertaining the state of opinion among themselves on this subject, took a vote thereupon, of these thirty-six ladies, many of them intimately familiar with the interior of zenana life for years, all feeling no less hatred of polygamous marriage than their sisters in America, all but three signified their agreement with the majority of synod, of which minority of three two had been only a few days in India and were therefore without any experience touching the practical questions involved. Nor is this large majority of our missionaries singular in their belief on this subject.

When some years ago the question was debated in the Punjab missionary conference, in which a large number of the missionaries and eminent Christian laymen of all denominations took part, ten out of twelve of the speakers expressed the same opinion as that held by more than four-fifths of the synod of India to-day. So the Rev. Dr. James J. Lucas, of Saharanpur, says that the brethren who maintained the lawfulness of not requiring a polygamist to put away any of his wives as a prerequisite to baptism "are not even in a minority in the missionary body in India."

A few years ago the Madura Mission voted in favor of baptizing such, provided they had contracted their marriages in ignorance and there was no equitable way of securing a separation. Their action was disapproved by the American board, but it none the less illustrates again what is the judgment of a large part of those who, living in India, are in most intimate relation to the living facts, and who are thus far better qualified to form a right decision than can be the wisest men at home.

* * * * * * *

Again, as bearing on the polygamist's duty, it should be noted that in the great majority of cases among the Hindoos the second marriage is contracted because of the first wife having no children. So that when the general assembly requires the polygamist convert to put away all wives but the first, it requires him not only to signalize his conversion by violating a contract held valid alike by his Christian rulers and a large part of his Christian brethren, but to do this in such a way as shall inflict the greatest amount possible of cruel injustice and suffering, by turning out of his house that wife who is the mother of his children (who will naturally in most cases have to go with her) and denying to her conjugal rights of protection and cohabitation which he had pledged her.

The wrong involved is aggravated under the conditions of life in India, in that it will commonly be practically impossible for the wife turned off, whichever she be, to escape the suspicion of being an unchaste woman, and she will inevitably be placed in a position where, with good name beclouded and no lawful protector, she will be under the strongest temptation to live an immoral life. No doubt polygamy is wrong; but then, is not breach of faith and such injustice and cruelty to an innocent woman and her children also wrong? If there is a law against polygamy, is there not a law also against these things even more explicit and indubitable? In the case supposed both can not be kept. Which shall the man be instructed to break?

The general assembly of 1875 appears to have imagined that the injustice was done away by enjoining a man to "make suitable provision for her support that is put away, and for her children, if she have any." But this utterly fails to meet the case. For the breach of faith required remains, since the marriage contract, both according to Scripture and the law of all Christian lands, as well as of India, binds the husband not only to support, but equally to protection and cohabitation. But by the deliverance of 1875 all missionaries in non-Christian lands are directed by the general assembly to instruct the convert that, in order to baptism, he must keep the compact as regards the first particular, but break it as regards the others.

Moreover, the moral end sought will, even so, not be gained. The wife put away may live in a separate house and at a distance—but then polygamists sometimes keep different wives in different homes—and it will not be easy to persuade a Hindoo or Mohammedan community, especially if the man still continue to give her money as required by the assembly's law, that cohabitation really ceases.

Mr. FORAKER. That was the condition which obtained in Utah. Not only the Mormons, but non-Mormons as well, as this testimony shows, agreed to accept the situation as it existed and to abide by it, and let time do the work of solving that difficulty.

Now, REED SMOOT, therefore, in acquiescing in it, in not standing up to proclaim against it, was doing only what every non-Mormon in that Territory and afterwards in that State, since it has been a State, was doing. So it is I say he is not responsible for polygamy in the first instance. He is not responsible for the church as it was organized and as it was conducted in its early years. He is not responsible for any of the misdeeds that are charged against it, but responsible only for himself and that which he has done relating to the church, as it has been in his day, and relating to good morals as we all understand and appreciate them. And having done no more than simply acquiesce in a condition which he could not control and for which he was not responsible, he has committed no offense for which he should be expelled from the Senate of the United States.

Mr. BACON obtained the floor.

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. BACON. Certainly.

Mr. DANIEL. Mr. President, the chairman of the committee which has reported the resolution now before the Senate desires to speak an hour and a half, and comity and fairness should undoubtedly accord it to him. But thirty-five minutes now remain before the arrival of the hour when he would expect to take the floor. There are several of us who would like to have a few minutes just to express in brief our reasons. Unless an arrangement is now made by which that can be accomplished, of course the opportunity will not be accorded. I suggest therefore that by unanimous consent further speeches may be limited to five minutes.

The VICE-PRESIDENT. The Senator from Virginia asks unanimous consent that speeches during the further consideration of the resolution before the Senate——

Mr. DANIEL. Until half past 2 o'clock.

The VICE-PRESIDENT. Until half past 2 o'clock be limited to five minutes. Is there objection?

Mr. BACON. I shall probably not exceed ten minutes, but I can not consent until I have had that opportunity.

The VICE-PRESIDENT. The Senator from Georgia will proceed.

Mr. BACON. Mr. President, I do not propose to discuss this question. I design simply to give the reasons for my vote in order that I may not be misunderstood.

For the first time during my service in the Senate I am called upon by my vote to pass on the question whether one holding a seat as a Senator here shall be excluded from this body. In a matter of so great gravity it is due to myself that I shall state the ground upon which my vote will be placed.

I conceive that there can be no question devolving upon me a more definite and serious responsibility to decide this question for myself, with an eye single to the right and in accordance with the Constitution and the law, as in my honest judgment I may find them to require. It is not permissible that I shall be controlled in casting my vote by any personal or political consideration. Much less am I warranted in being influenced by the views and wishes of others. Such may be permissible in settling some questions; but in passing upon the question of the right of a member of this body to retain his seat, a Senator can only be guided and controlled by his own judgment and his conscience under his oath of office.

There is the obligation, in the first place, to respect and protect a Senator in the right and possession of his seat when legitimately entitled to it. That is a sacred right of which he should not be deprived if he has been legally elected, possesses the qualifications prescribed by the Constitution, and has not by any act of his, either before or since his election, made himself, in the opinion of Senators under their oaths, unfit to remain here as a Senator of the United States.

There is also the paramount duty to guard the Senate against the danger of instability in the tenure of office of its members.

Mr. President, I regard the Senate as the most valuable and the most important branch of the constitutional framework of our Government. It is the only branch of the Government which is clothed with legislative, executive, and judicial functions. It has been continuous in its organization and continuous in its membership from the foundation of the Government. Presidents come and go. The organization and official membership of the House of Representatives expire at the end of each period of two years. But since 1789 the organization of the Senate has been without interruption, and during all that time there has been a continuous membership, at each period, of more than a majority of Senators. It is the only branch of the Government in which it has been solemnly covenanted that in no manner, not even by constitutional amendment, shall there be change in the representation of each State in the Senate.

The tenure of office in such a body should be stable and not easily disturbed. It is a fundamental right of a State to be represented here by the men of its choice, having the qualifications prescribed in the Constitution.

In my opinion, after the most careful consideration of the question, that fundamental right is only subject to the right of the Senate, for any cause deemed by it sufficient, to expel a Senator by a two-thirds vote. In other words, in my opinion, after a Senator, with proper credentials from his State, has been duly sworn in and has taken his seat, if it be conceded that he has been legally elected, that he has attained the age of 30 years, that he has been nine years a citizen of the United States, and was when elected an inhabitant of the State for which he was chosen, he can only be expelled, or in any manner excluded from the Senate for any cause, by a two-thirds vote of the Senate, whether that cause arose before or after his admission to the Senate.

Election, age, citizenship, and residence, as prescribed by the Constitution, are essential to the title of a Senator to his seat. If either of these is lacking the incumbent may be excluded from the Senate by a majority vote of the Senators. As to any other objection to a Senator the Constitution makes no specification, but delegates all power regarding the ascertainment and determination of the same to the Senate. And as this is a tremendous and unlimited power the safeguard is thrown around each Senator by requiring that he can only be expelled by a two-thirds vote. Unless a Senator has title under the Constitution in the possession of the essentials prescribed by the Constitution, he is not entitled to enter and may be excluded by a majority. If he enters with such title, only by a two-thirds vote can he be excluded from the Senate.

In my opinion any other construction of the law, if accepted by the Senate as a rule of conduct, would be extremely dangerous to the security of the tenure of office in this body.

I do not undertake now to argue the proposition. I only state it as a conclusion upon which I shall base my vote, so far as concerns the rule of practice by which the Senate shall be guided in this case.

Several reasons are assigned why Senator SMOOT should be excluded from the Senate. To prevent misunderstanding, I desire to state the ground on which I base the vote which I shall give in this case.

The fact that he is a Mormon and believes in the tenets and dogmas of the Mormon Church will not, in my opinion, justify his exclusion from the Senate. It would be an extremely dangerous precedent to exclude a Senator because of his religious or political belief, however erroneous we may believe that belief to be.

Mr. President, there are other alleged grounds upon which it is claimed that he should be excluded from the Senate. In some of these there are issues and conflicting contentions as to the facts, and differences in the construction proper to be placed upon acts alleged to have been done. These I pass by because of such conflicting contentions and of such uncertainty of facts and of construction. There is, however, one fact upon which there is no issue, because the fact is avowed by Senator SMOOT himself.

He is not a polygamist. That is conceded, and is to his credit. He is, however, an apostle, one of the governing body of the church, empowered to give spiritual and temporal law and precept to its followers. It is conceded that he is and has been for years, both before and since his election to the Senate, in intimate official relationship and official cooperation and necessary official approval with other members of the governing officials of the church who have been, during all the time and still are, while such officials, in the open, notorious, defiant, and even boastful violation of law in living in undisguised, undisputed polygamous cohabitation. More than this, by his own avowal, while such official, as an apostle, he has voted to place in the highest office of the church Joseph F. Smith, who was at the time of his election, as he was before and has ever since continued to be, in the open, notorious, and defiant violation of law in living in undisguised, undisputed polygamous cohabitation; and in thus indorsing and continuing to the present time to support him as their head and chief, Senator SMOOT has, during all these years, in the most pronounced and indisputable manner, held forth this violator and profaner of the law as one worthy to be by the people commended and approved as their fit teacher and exemplar.

Again, Mr. President, I do not undertake to argue the correctness of my conclusion. I only state it in order that it may be known on what ground my vote will be based.

Mr. President, after the most careful consideration, having regard to the gravity of the interests involved, I have reached the conclusion that Senator SMOOT, in the language of the protestants, ought not to be permitted—

to sit as a member of the United States Senate for reasons affecting the honor and dignity of the United States and their Senators in Congress, and upon the grounds and for the reason that he is one of a self-perpetuating body of fifteen men who, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, or Mormon Church, claim, and by their followers are accorded the right to claim, supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual, and who, thus uniting in themselves authority in church and state, do so exercise the same as to inculcate and encourage a belief in polygamy and polygamous cohabitation; who countenance and connive at violations of the laws of the State prohibiting the same, regardless of pledges made for the purpose of obtaining statehood and of covenants made with the people of the United States, and who, by all means in their power, protect and honor those who in themselves violate the laws of the land and are guilty of practices destructive of the family and the home.

Mr. DOLLIVER. Mr. President, as a member of the Committee on Privileges and Elections who acquiesced with the majority of the committee in the presentation of the report filed by the chairman in the last session, I feel the pressure of my duty to say a few words somewhat in the nature of a personal statement.

When the vote was taken in the committee I was in an unusual situation. I had just been appointed, without seeking the honor, as a member of the committee to fill a vacancy in its membership, and the first session which I had the opportunity to attend was the session which considered this report. In acquiescing in it I felt it to be my duty to reserve specifically the right to make a more careful examination of the voluminous record that had been presented in the case and the testimony upon which the report was based.

This privilege was freely accorded by my colleagues. I have had an opportunity in the year intervening to make a very careful study of the mass of testimony which had been submitted, and I feel bound to say to the Senate that I can not, without violating my sense of public duty, support the proposition to expel Senator SMOOT from the seat which he holds under the commission which the State of Utah has given him.

I have, I think, about as deep prejudices against the Utah branch of the Mormon Church as anyone else. I do not like its history nor the record which it has made in the past, though I am aware that our judgments are fallible and imperfect. I need not add that I hate with a perfect malice the barbarism of polygamy. I regard the family as the unit not only of the State, but of society itself, and if I felt that in casting the vote which I am about to cast I was giving aid or comfort to that repulsive offense against our civilization I would under no circumstances cast such a vote.

I entered upon the examination of the question with a general impression that Senator SMOOT was guilty of that crime. I find from the evidence that the crime is not only one of which he is innocent, but of which nobody seriously accuses him.

I think I have every reverence which men ought to have for the opinions and for the wishes of the Christian women of the United States, and the only burden that has been placed upon me in the vote which I am about to cast arises from the fact that I am not able to respond, as so many of them in my own State and in other States have desired, to the petitions for Senator SMOOT's expulsion. I honor them for the deep interest they have taken in this subject. I fully recognize their right, which I have heard disputed here, to petition the Senate upon that subject. They are the guardians of the American home, and for that reason they are the safeguards of the social order. But I do not believe that any one of them in my own State or elsewhere would desire me to cast a vote here which I could not justify as right in the forum of my own conscience.

I recognize the force of the accusation made against Senator SMOOT that he is mixed up with the crime of polygamy in Utah, and if he had not stood on the floor of the Senate and under the solemn obligations of his oath and his duty here cleared himself of sympathy with that conspiracy against the

state, I would have forborne to utter a word here in his behalf. But no man occupying his position could have borne such testimony unless he was telling the exact truth about himself and about his people.

I have found out also since this debate opened that he does not appear as a witness on this question for the first time, but that for nearly twenty years among the young Mormons of Utah he has used his influence—that mighty influence arising from the purity of his example—in behalf of a better standard in the social life of the people among whom his lot has been cast. I know that the younger people of Utah are out of sympathy with the whole scheme of theology that has added to their religion the degradation of their family life.

Only two years ago I had the opportunity, traveling as one of the companions of the honored President of the Senate, to spend several days in the mountains of Utah. I took the testimony of many people—on the streets, in the hotels, and everywhere else. The unanimous expression of the younger people in Utah is that the crime of polygamy is in the way of ultimate and speedy extinction in that State and in that church. I never felt more respect for a public man than when I heard the President of the Senate, then a candidate for the office which he now holds, speaking in the old Brigham Young Theater, in Salt Lake City, to thousands of people, defend the ideal Christian home, and pay a tribute to that ideal fireside where one mother sits crowned with the love of the household; and the applause which swept over that great audience, composed mostly of young people connected with the Mormon Church, convinced me that we have less to fear from polygamy in the future development of that community than most of us have been prone to believe.

The whole frame of human nature is against it. The aspirations of the hearts of men, and, most of all, the intuitions of womanhood, the most gracious influence this world knows anything about, are at war with it. Economic forces, universal in their operation, tend to destroy it. If it has flourished in Utah in the past, not even the fanaticism of a misguided religious leadership has been able to make it acceptable to the people. A thousand forces tend to disintegrate it, and we may be certain that we are not living in a world in which a barbarism like that can make itself permanent even under the auspices of a church.

If the anxieties of those who have made the protest against Senator SMOOT are well founded; if the church to which the great body of the people of Utah belong is in reality a criminal conspiracy to violate the law and to bring reproach upon the nation, the situation is not helped materially by the action which it is proposed to take here. It does not need an act of injustice even to one man and to his wife and children to emphasize our convictions upon the subject of polygamy. Such a treatment of the case may tend to irritate a condition which, if the opponents of Senator SMOOT are correct, requires surgical treatment upon a more effective scale. At any rate, we may be assured that our institutions are not without resources to control the injury to the whole nation which would be involved either in a secret or open breach of the covenant which the people of Utah have entered into with the Government of the United States.

The institution of the family is threatened from more than one direction, and when these dangers are clearly perceived by the American people there will not be a dissenting voice among them to the amendment of our Constitution in such a way as to give uniformity and efficiency to the statutory regulation of marriage and divorce.

The Mormon Church, stronger no doubt in Utah than any single ecclesiastical institution ought to be, is a feeble and struggling affair everywhere else. In the State of Iowa the immediate descendants of Joseph Smith, the prophet, are at the head of a church institution based upon the Mormon revelation, which has been for half a century an influence for good throughout the entire community in which it has built its houses of worship. Its creed differs from the theology of Utah Mormonism only in its attitude toward the crime of polygamy and in the absence of all secret rituals. Its people are industrious, law-abiding, God-fearing men and women.

So that there is nothing in the articles of the Mormon faith, aside from the evil practices which grew up in Utah when it was an almost inaccessible desert, to alarm the people of the United States. It is a strange faith, incredible to us; but if its leaders, following the counsel of such men as REED SMOOT, are wise enough to set it free from the odium which has grown out of polygamy there would be few people in the United States willing to deny to it that freedom of worship which is one of the chief inheritances of the English-speaking race. It has taken many centuries of sacrifice and blood to win for mankind the right of every man to profess whatever religious faith he desires or to go his way without God or without hope in the world, if he prefers.

I acquit the opponents of Senator SMOOT of any purpose to violate the traditions of religious liberty; but I could not be one of those who are willing to bring upon him and his little family the humiliation and contempt which would necessarily follow his expulsion from the Senate of the United States without taking the risk which I dare not assume, of laying upon a fellow-man a part, at least, of these burdens which, in other lands and in other ages, have been found too grievous to be borne.

I may be in the wrong; I can not be certain about it; but I prefer that my error should lie on the side of justice and fair dealing. Even if Mr. SMOOT should continue to sit here for the few remaining months of his Senatorial term the American people lose none of the weapons with which they contend against the evils of which they complain in Utah.

But if we brand this man, against whom no word has been spoken here inconsistent with the respect with which he is held by all, and send him out from this Chamber as a malefactor, what have we done? We have, for the purpose of punishing the Mormon hierarchy for the countenance it has given to the crime of polygamy, driven out in disgrace from the office to which he has been constitutionally elected a man who, notwithstanding he was born in polygamy, notwithstanding his mouth has been closed by the sense of the honor which is due to the memory of his father and his mother, has made his way to a position of leadership in the church in which he was nurtured without turning aside from the path of virtue or by precept or example defiling the purity of his own home. This appears to me to be a strange programme; I can not consent to it.

Years ago I expressed in the House of Representatives, speaking on the question of the admission of Utah into the Union, my confidence in that far-off community, which had even then, by the thrift and industry of its inhabitants, wrought one of the fine miracles of our industrial progress as a nation. Notwithstanding all that has been said and all that has been printed, I still see for that people a future full of hope; a future in which the scandal and infamy of this offense against civilization will no longer handicap its progress or bring its people into disrepute.

Mr. BURROWS. Mr. President, after the credentials of Senator SMOOT had been presented to the Senate, together with a protest against his being permitted to take the oath of office, the credentials, together with the protest, were referred to the Committee on Privileges and Elections, with instructions to investigate the right and title of REED SMOOT to a seat in the Senate as a Senator from the State of Utah.

The committee executed that mandate and reported to the Senate its conclusion, as follows:

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

This resolution is directly responsive to the order of the Senate, in whose possession it now is, together with all the testimony taken in the case, the report of the committee, and the views of the minority thereon, and the whole matter is now exclusively in the hands of the Senate for its final and deliberate judgment. The responsibility of the committee is now ended and that of the Senate begins.

Some question has been raised, in the course of the debate, as to the extent of the power of the Senate in cases of this character under Article I, section 5, of the Constitution of the United States, which provides—

That each House shall be the judge of the elections, returns, and qualifications of its members.

First, it is claimed that under this provision empowering the Senate to judge of the "*qualifications*" of its members, that the qualifications referred to are fixed by section 3 of Article I of the Constitution, which provides that—

No person shall be a Senator who shall not have attained to the age of 30 years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State from which he shall be chosen.

And, secondly, the contention is made that if the Senator should be found disqualified for any cause his connection with this body, having been admitted to membership, can only be severed by expulsion under another provision of the Constitution, which declares (Art. I, sec. 5):

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Under the first head it is insisted that the Senate, in judging of the qualifications of a Senator, is restricted in its inquiry to the question of age, citizenship, and residence, and beyond that the inquiry can not go, and no other qualifications

can be required or imposed. The junior Senator from Illinois, in his very able speech, stated the contention upon this point with great clearness:

> The power that is given to the Senate under the Constitution is not to create Senators, but to judge of their qualifications. The States create the Senators. The qualifications to be judged are those I have already stated, prescribed in the Constitution itself. If the Senate find those qualifications exist for the applicant for a seat in this body from any given State, then under all precedents such Senator is entitled to take the oath of office and take his place among the members of this great legislative body.

If such contention can be maintained, that ends the controversy, for no one questions but that the senior Senator from Utah has, in the language of the Constitution, "attained to the age of 30 years, been nine years a citizen of the United States, and is an inhabitant of the State from which he is chosen."

If the possession of these attributes constitutes the "be all and end all" of the qualifications of a Senator, then is the Senate helpless indeed. If this contention be sound, then Joseph F. Smith, the head of this organization to which the Senator belongs, possessing, as he does, the constitutional qualifications of age, citizenship, and residence, would be entitled to admission to this body if elected by the legislature of Utah, and his five wives and forty-three children could witness from the galleries of the Senate his triumphal entry, unquestioned and unopposed, into the membership of this august assembly.

It is impossible for me to give assent to such a doctrine, and I have been unable to find it sustained either in reason or upon authority, and the contention is resisted both upon principle and precedent, and can, in my judgment, find no warrant in either.

I submit that the provision of section 3, Article I, was not inserted with the view or for the purpose of determining or fixing the qualifications of Senators, but it was ingrafted into the Federal Constitution expressly as a limitation upon the power of the States in making selection of Senators, restricting the choice to a certain class of citizens. It excluded a certain class as being ineligible to the office of Senator. The object of it was to eradicate an evil which had grown up during the years of the Continental Congress and the Congress of the Confederation. It was for the purpose of insuring a National Congress for the new Government which should be composed of a body of men of mature judgment, residents of the State or district, and thoroughly American.

Noah Webster, speaking of this provision of the Federal Constitution, said:

> A man must be 30 years of age before he can be admitted into the Senate, which was likewise a requisite in the Roman Government. The places of Senators are wisely left open to all persons of suitable age and merit, and who have been citizens of the United States for nine years, a term in which foreigners may acquire the feelings and acquaint themselves with the interests of the native Americans.

A brief reference to the facts of history will suffice to show the exigency which called this constitutional provision into existence.

Under the Continental Congress and the Congress of the Confederation there were no qualifications for membership as to age, residence, or citizenship, except such as the various colonies or States saw fit to impose, and which were as varied as the number of colonies or States, and of the 348 different individuals from the thirteen colonies who held seats in the Continental Congress and the Congress of the Confederation from 1774 to 1788, the ages of the delegates varied from 16 to 76 years. Charles Pinckney, of North Carolina, a member of the Continental Congress, was but 19 years of age when elected to that body, and James Sykes, of Delaware, also of the Continental Congress, was only 16 years old when elected to Congress, and twenty-five members of that body were under 30 years of age.

With these instances before them, it was deemed expedient to place some restrictions in the Federal Constitution upon the power of the States in their choice of Senators and Representatives to the Federal Congress. This was but conforming to the practice under the Confederation. For instance, delegates were required to be appointed annually by the legislatures of the several States and were subject to recall, and no State could send less than two nor more than seven members, and then the following restriction was imposed:

> No person shall be capable of being a delegate for more than three years in a term of six years.

It will be noted that there is a striking similarity between the wording of this prohibition upon the States in the Articles of Confederation and the wording of the prohibition in the Federal Constitution on the same subject.

> No person shall be capable of being a Delegate, etc.—
>
> Declares the Articles of Confederation.
>
> No person shall be [capable of being] a Senator, etc.
>
> Says the Constitution.

I insist that the manifest object of this provision was to correct those defects which had become apparent under the Government of the Confederation. It had become manifest that it was necessary to limit the States in their choice of members to the Federal Congress to persons of mature age, citizens of the United States, and to those who were residents of the district or State from which they were chosen. It was quite natural that the inhabitants of the colonies and of the Confederacy should fall into the practice of the English Government, where minors, aliens, and persons not residents of the political division for which they were elected were admitted to seats in the Commons, and I believe the practice obtains to-day for members of Parliament to stand for a constituency within whose district they do not reside.

The framers of the Constitution therefore sought by this provision to correct that practice by imposing upon the States a prohibition against the election of a certain class of citizens, to wit, those who were under 30 years of age and not citizens of the United States, and nonresident of the district or State for which they were elected.

An examination of this provision, coupled with the debate which occurred at the time of its adoption, shows conclusively, to my mind, that its object was not to *prescribe the qualifications* of Senators at all, but to restrict the States in their choice of Representatives to the National Congress. The committee of detail, in submitting the first draft of the Constitution upon this point reported this provision:

> Every Member of the House of Representatives shall be of the age of 25 years at least, shall have been a citizen of the United States for at least three years before his election, and shall be at the time of his election a resident of the State in which he shall be chosen.

In the course of the discussion of this provision, Mr. Dickinson, of Delaware, who had been a Delegate in the Colonial and Continental Congresses, a lawyer of repute and a graduate of the London Temple, opposed the provision in its entirety for the reason that it would be construed to be exclusive, saying:

> I am against any recital of qualifications in the Constitution. It is impossible to make a complete one, and a partial one would, by implication, tie up the hands of the legislatures from supplying omissions.

Mr. James Wilson, also a member of the Convention, a lawyer of high standing, and a Delegate from Pennsylvania to the Continental Congress, and to the Constitutional Convention, and a member of the committee of detail, opposed this proposition in the following language:

> Besides, a partial enumeration of cases will disable the legislature from disqualifying odious and dangerous characters.

When, later on in the course of the discussion, it was proposed to add a property qualification, Mr. Wilson said that, in his opinion, it would be best, on the whole, to let the section go out entirely. This particular power would constructively exclude every other power of regulating qualifications. As the result of the discussion and following the suggestion of Mr. Wilson this provision was stricken out altogether, and the present language substituted therefor, thus changing it from an *affirmative* declaration of qualifications to a *negative* form; so that, instead of declaring in the case of a Representative that "each member of the House of Representatives shall be of the age of 25 years," etc., and "every member of the Senate shall be of the age of 30 years," etc., it was changed to read: "No person shall be a Representative who shall not have attained the age of 25 years," etc., and the provision in relation to the Senate modified, as follows: "No person shall be a Senator who shall not have attained to the age of 30 years," etc.

The manifest purpose and intended effect of these provisions was to take a certain class of people from the whole body and make that class eligible, leaving to Congress the right to judge of the qualifications of the Senator or Representative when elected from this eligible list.

To my mind it is perfectly manifest that the reason for this change was to avoid the contention which is being made to-day, that this provision affirmatively fixes the qualifications for Members of Congress and that no other qualification can be imposed or inquired into.

The opinion of Thomas Jefferson ought to be valuable upon this point, who, in a letter to Mr. Cabell in 1814, speaking of this provision, said:

> Had the Constitution been silent, nobody can doubt but that the right to prescribe all the qualifications and disqualifications of those they would send to represent them would have belonged to the State, so also the Constitution might have prescribed the whole and excluded all others. It seems to have preferred the middle way. It has exercised the power in part by declaring some disqualifications, to wit, those of *not* being 25 years of age, of *not* having been a citizen seven years, and of *not* being an inhabitant of the State at the time of election. But it did not declare itself that the Member shall not be a lunatic, a pauper, a convict of treason, of murder, of felony, or other infamous crimes, or nonresident of the district. (Jefferson's Works, vol. 6, p. 309.)

In Pomeroy's Constitutional Law, third edition, page 138, is the following:

The power given to the Senate and to the House of Representatives, each to pass upon the validity of the elections of its own members and upon their *personal qualifications* seems to be unbounded. * * * Indeed, there is absolutely no limitation upon its exercise except the responsibility of the representatives to their constituents. Under it the House has applied the test of personal loyalty to those claiming to be duly elected Representatives, deeming this one of the qualifications of which it might judge.

In the Maryland contested election John Randolph, of Virginia, said:

Mark the distinction between the first and second paragraphs. The first is affirmative and positive: "They shall have the qualifications necessary to the electors of the most numerous branch of the State legislature." The second merely negative: "No person shall be a Representative who shall not have attained the age of 25 years," etc. No man could be a Member without these requisites. If the Constitution had meant (as was contended) to have settled the qualifications of Members, its words would have naturally ran thus: "Every person who has attained the age of 25 years, and been seven years a citizen of the United States, and who shall, when elected, be an inhabitant of the State from which he shall be chosen, shall be eligible to a seat in the House of Representatives." But, so far from fixing the qualifications of Members of that House, the Constitution merely enumerates a few disqualifications within which the States were left to act. It said to the States: "You have been in the habit of electing young men barely of age. You shall send us none but such as are five and twenty. Some of you have elected persons just naturalized. You shall not elect any to this House who have not been seven years citizens of the United States. Sometimes merely sojourners and transient persons have been clothed with legislative authority. You shall elect none whom your laws do not consider as inhabitants." Thus guarding against the great laxity in the State legislatures by general and negative provisions, leaving them, however, within the limits of those requirements, to act for themselves, to consult the genius, habits, and, if you will, the prejudices of their people.

In the case of Philip F. Thomas, who, in 1867, claimed a seat in the Senate as Senator from the State of Maryland—to which case further reference will hereafter be made—Mr. Edmunds, recognized as one of the ablest lawyers in the Senate at that time, said:

Now, to return, the question first is: What are our rights under the Constitution over this man without regard to the statute and without regard to any overruling necessity? The Constitution declares, and that is all that it says upon the subject that is pertinent here:

"No person shall be a Senator who shall not have attained the age of 30 years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

Senators will observe that there are negative statements; they are exclusive, every one of them. It is not declaring who shall be admitted into the Senate of the United States. It is declaring who shall not be eligible to election to this body; that is all. It is the same as to the House of Representatives and as to other officers—always in the negative, always exclusive, instead of in the affirmative and inclusive. And upon what principle was this Constitution founded? Will lawyers here deny that we have a right to look to the course of constitutional and parliamentary jurisprudence in that country from which we derive our origin and most of our laws to illustrate our own Constitution and to enlighten us in this investigation? By no means. And what was that? The House of Commons in Parliament, using the very language that in another section of the Constitution is used here, were the exclusive judges of the elections, returns, and qualifications of their own members. What was their constitutional power under that rule? It was that they were the sole and exclusive judges, not only of the citizenship and of the property qualification of persons who should be elected, but of everything that entered into the personnel of the man who presented himself at the doors of the House of Commons with a certificate of election for admission. And what were those rules? One was that an idiot could not be a representative in the Commons; another was that an insane man could not be; and a variety of other disqualifications, of which the Commons themselves alone were the sole and exclusive judges.

We declared in our Constitution that a certain class of persons should never, under any circumstances, whatever their other qualifications might be, be Senators of the United States; no alien should be a Senator. Did it therefore follow that every citizen, male or female, black or white, rich or poor, sane or insane, innocent or criminal, should be a Senator? Not by any means, I take it. We declared, then, that no person should be a Senator who was not a citizen, who had not a certain qualification of residence and of age, and there we stopped the rule of disqualification, leaving the common law exactly where it stood before; and that common law, in the very language of its immemorial time, was inserted in another section of the instrument, which declared that this body should be the judges of the elections, returns, and qualifications of its members. And that very word "qualifications," by the known history of jurisprudence, had the scope and significance that I have named; and that was that it was the duty of the body to apply it to the candidate, to keep itself pure from association with criminals and incompetent persons.

The honorable Senator from Maine [Mr. Fessenden] tells us, while he admits this power, I believe, that it is a dangerous power. So it is. I know of no power that is reposed in the discretion of any body of men that is not dangerous. The idea of power is danger itself. But he must, indeed, be a timid statesman who refuses, in a case like this, justly to exercise the power he has, trusting to his fellows and to the future to see that that power in another case is not abused. * * * Government can not exist unless you repose power, which is liable in every instance to abuse, in some officer or official or body. And are we to be told that we must never exercise a power in a proper case because it is a power which involves in it the danger of abuse? Sir, let us rather wisely and bravely exercise the power in a case that can be made clear and risk the consequences with those who may hereafter exercise it, trusting that they like ourselves, will not use it unwisely.

I repeat, therefore, that this provision of the Constitution was evidently intended to be nothing more than a statement of a few of the many disqualifications which would or might render one unfit to hold the office of a Senator and to make ineligible all persons laboring under the disabilities named, and leaving the question of qualifications in other respects to be determined by the Senate according to the facts in each particular case, under the right conferred by the Constitution to judge of the qualifications of its own members. To contend otherwise would be to assert that the fathers who framed our Constitution deliberately intended that an idiot, a lunatic, an enemy of the Government, or a notorious criminal must be allowed a place in the Senate if of proper age, residence, and citizenship. I submit that no such interpretation of that clause of the Constitution is justifiable or reasonable, and that the provision in question must be interpreted as being a limitation, to a certain extent, upon the powers of the State in choosing members to the Senate. This contention, I insist, is sustained not only in reason, but upon authority.

From a large number of cases which have been considered and decided by the Senate and in the House of Representatives I shall refer to a few only.

In the year 1842 John M. Niles was elected to the Senate from the State of Connecticut for the term beginning March 4, 1843. When his credentials were presented, the Senate adopted a resolution by which a select committee, consisting of five members, was chosen, and in the language of the resolution were—

Instructed to inquire into the election, returns, and *qualifications* of the said John M. Niles and into his capacity at this time to take the oath prescribed by the Constitution of the United States.

There was no question that Mr. Niles was 30 years of age, was a citizen of the United States, and had resided in the State from which he was chosen for the full length of time required by the Constitution. The objection to him was that he was not of sound mind. The committee found that he was mentally competent, and he was thereupon permitted to take his seat as a member of the Senate. Had it been determined that he was insane, then according to the construction of the Constitution, for which some contend, the Senate would have had no alternative but to admit Mr. Niles to his seat and then inflict upon him the humiliation and disgrace of an expulsion from the Senate for no fault of his, but because he was the victim of a terrible misfortune.

In the year 1867 Philip F. Thomas was elected a Senator by the legislature of the State of Maryland for the term beginning on the 4th day of March, 1867. His credentials were presented to the Senate on the 18th day of March of that year, and were referred to the Committee on the Judiciary. The case was duly considered in committee and by the Senate, and the resolution adopted by the Senate was as follows:

That Philip F. Thomas, having voluntarily given aid, countenance, and encouragement to persons engaged in armed hostility to the United States, is not entitled to take the oath of office as a Senator of the United States from the State of Maryland, or to hold a seat in this body as such Senator, and that the President pro tempore of the Senate inform the governor of the State of Maryland of the action of the Senate in the premises.

This resolution was based on the fact that Mr. Thomas had resigned his place in the Cabinet of President Buchanan because of his opposition to the determination of the Administration to reenforce the garrison in Charleston Harbor, and also that when the son of said Thomas entered the military service of the Confederacy Mr. Thomas had given to his son $100 in money, "not to aid him to go to the rebellion, but in case he were imprisoned or in suffering he might have a sum of money by him." (Senate Election Cases, 3d ed., p. 333.)

There was *no possible question* as to the possession by Mr. Thomas of the constitutional qualifications of age, citizenship, and inhabitancy; but he was denied a seat in the Senate by the vote *of a majority* of the Members thereof, because, in the opinion of the Senate, his antecedents, associations, and acts had been such as to render him unfit to be a member of that body and to assist in making laws for the nation to which he was believed to be unfriendly.

In the case of Brigham H. Roberts, decided by the House of Representatives in 1900, there was no contention in regard to the constitutional qualifications of Mr. Roberts; but he was not permitted to take his seat in the House because of the fact that he was a polygamist. As the report of the Committee on Privileges and Elections in this case demonstrates, the case of Mr. SMOOT does not differ materially from that of Mr. Roberts and calls, I submit, for the same judgment.

The construction for which I contend finds abundant support in the language of the text-books. In addition to the view before cited from Pomeroy's Constitutional Law, the following may well be noted. Troope on Public Offices, section 73, says:

The general rule is that the legislature has full power to prescribe qualifications for holding office in addition to those prescribed by the Constitution, if any, provided that they are reasonable and not opposed to the constitutional provision or to the spirit of the Constitution.

And Cushing, in Law and Practice of Legislative Assemblies, page 195, section 477, says:

To the qualifications of this kind may be added those which may result from the commission of such crime which would render the member ineligible.

In Paschal's Annotated Constitution, pages 84 and 85, occurs the following:

The "qualifications" in its narrower sense would doubtless relate to the age, citizenship, and inhabitancy of the applicant as defined in the second clause of section 2, Article I, and the third clause of section three of the same. But as the term "person," if taken alone in both, might include a female, a lunatic, or an idiot, a convicted felon, a person of notoriously bad character, or actually at war with the United States, as during the rebellion, or one coming from a State all of whose inhabitants are at war with the United States, the term "*qualifications*" has in practice received a more enlarged signification. Thus, in the case of Mr. Niles in 1846 (sic) a committee was raised in the Senate to inquire into his mental capacity; the rebellion has caused a test oath which might reach persons in all the States, and does embrace majorities in some of them; a concurrent resolution was passed in 1866 in regard to the States lately in rebellion, which, it was urged, limited this independent power of each House; the fourteenth amendment of the Constitution looks to a new *disqualification*, and all the reconstruction acts, it has been argued, intrench upon this right. At the time of this writing one committee is investigating the subject of the *disqualifications* of certain Members from Kentucky and another the question as to whether Maryland has a "republican form of government" within the meaning of the Constitution.

Mr. President, it is contended in behalf of Senator SMOOT that even if it were to be conceded that the Senate has the right to inquire into the qualifications of Senator SMOOT as regards his past history, his associations, his acts, and his fitness to be a Senator from the State of Utah, still Mr. SMOOT, having taken the oath of office as a Senator, can not be excluded from the Senate or in any way removed from this body except by expulsion, requiring a two-thirds vote. It is proposed, as I understand, to amend this resolution so as to require a two-thirds vote by inserting, after the word "*Resolved*," the words "*two-thirds of the Senate concurring*," and thereby erect an additional barrier behind which the Senator from Utah may more securely take refuge.

It is admitted that if the status of Senator SMOOT at the time he presented himself for admission in this body was such as would have justified his exclusion, then the same status or condition continuing until this time would justify his removal by a majority vote. However, I have no desire to discuss that question at length, because to my mind it is not material and therefore of minor importance.

The established rule in the Senate has been that whenever one has presented himself claiming the right to a seat in that body with credentials which upon their face were fair and regular in form but whose right to a seat was challenged for any reason, the almost uniform practice has been to admit him to a seat and inquire into his qualifications afterwards. Such was the course pursued in the case of Albert Gallatin, of Pennsylvania, in 1793; of Asher Robbins, of Rhode Island, in 1833; of James Shields, of Illinois, in 1849; of James Harlan, of Iowa, in 1853, and in a great number of other cases which might be cited.

In the case of Asher Robbins, Mr. Clay said:

It is not only the right of Rhode Island, but of every State to have two voices on every question which could arise, and the first act of the Senate by which the States could be secured in this right was the verification of those who composed that body. It was the right and the important duty of the Senate to say who were to be the Senators and who were the individuals to be associated in the performance of the important duties which devolved upon them. It was now time to decide (not conclusively, he admitted) who were the two members from the State of Rhode Island to be admitted to their seats. The question would then come up as to the ultimate right of either of the contesting members. * * *

In the case of James Shields, Mr. Douglas said:

It appears from the credentials now on your table that James Shields was elected a Senator of the United States by the legislature of Illinois for six years from the 4th instant. His credentials are in due form and entitle him to a seat in this body. He stands in precisely the same position in which other Senators stood, who were yesterday admitted to seats, and if there is any objection on the ground of ineligibility, it must arise after he has been sworn and after he has taken his seat.

The same view was expressed by Mr. Turney, Mr. Badger, Mr. Butler, and Mr. Webster.

Mr. Gallatin, Mr. Shields, and Mr. Harlan were each found to be disqualified for membership in the Senate and were excluded therefrom.

And, in the very case now under consideration, after the credentials of Mr. SMOOT and the protest against his admission to this body had been received, and the Senate had been fully informed concerning the same, when Mr. SMOOT was about to take the oath of office as a Senator, Mr. Hoar said:

Mr. President, I ask unanimous consent, before the names of the duly elected Senators are called, to make a statement in behalf of the chairman of the Committee on Privileges and Elections, which is important to the public to understand. It will take but a moment.

The chairman of the Committee on Privileges and Elections, the Senator from Michigan [Mr. BURROWS], is obliged to be absent. He desired me to state in his behalf that he understands the orderly and constitutional method of procedure in regard to administering the oath to newly elected Senators to be that when any gentleman brings with him or presents a credential consisting of the certificate of his due election from the executive of his State he is entitled to be sworn in, and that all questions relating to his *qualifications* should be postponed and acted upon by the Senate afterwards.

If there were any other procedure the result would be that a third of the Senate might be kept out of their seats for an indefinite time on the presenting of objection without responsibility and never established before the Senate by any judicial inquiry. The result of that might be that a change in the political power of this Government which the people desire to accomplish would be indefinitely postponed.

And in the report of the Committee on Privileges and Elections, in the case of David T. Corbin, reported in 1877, Mr. Cameron of Wisconsin making the report, it was declared:

Swearing in a Senator on his credentials has always been regarded as admitting him to his seat on the prima facie case made by those credentials. There is no instance in the history of the Senate where a member has been sworn in and allowed to take his seat as Senator that such admission has been held to preclude investigation into the merits of his title. On the other hand, the precedents are exactly the reverse. The cases of James Shields, of Illinois; James Harlan, of Iowa; Bright and Fitch, of Indiana, and of Mallory, of Florida, * * * are examples of this rule.

And the effect of these decisions of the Senate which have been cited, and of the arguments quoted in their support, can not be evaded by the claim that in some of these cases the Senator was excluded after being sworn because of such disqualifications as are mentioned in the Constitution. When it is once conceded that the Senate may inquire into other disqualifications than those enumerated in the Constitution, then the same rule must, in reason, apply to cases where the disqualification claimed is not one of those enumerated in the Constitution as well as to those cases in which the claimed disqualification is mentioned in that instrument. There could be no reason for any different application of the rule in these two classes of cases. If the Senate may inquire whether one is disqualified for membership in that body because of want of character and fitness to occupy the high and responsible position of a Senator, then the same rule would obtain that would be applicable if it were asserted that he lacked the qualification of age, residence, or citizenship. The question all the time is whether one is *disqualified* at the very time he presents himself for admission into the Senate under his credentials. If he is disqualified because of the fact that he is a criminal, or in any other respect unfit for admission into the Senate, it is the same, so far as the application of the rule is concerned, as if he were disqualified for want of age, want of residence, or want of citizenship. So there is no ground whatever for the contention that in the one case the occupant of a seat in the Senate may be excluded therefrom by a majority vote, while in the other the only way of getting rid of him must be by expulsion. If one who is admitted to the Senate was, at the time of his admission, unfit to hold the office by reason of a mental or moral defect, it would be precisely the same, so far as his right to a seat in the Senate is concerned, as if he were unfit to occupy a seat in the Senate by reason of want of age.

Mr. President, I regret to have gone over this legal argument so hurriedly, but I am admonished of the limited time at my command.

Mr. President, whether the case is to be decided by a majority or a two-thirds vote is of little moment.

The greater question is whether the Utah hierarchy, of which Senator SMOOT is a member, with its confessed law-breaking and law-defying character, shall be permitted to place its representative in this high council chamber of the nation. The issue, so far as it relates to Mr. SMOOT, is of momentary concern, but the opinion of the Senate upon this greater question is far-reaching and all-commanding.

I shall spend no time with the contention that Mr. SMOOT is not a polygamist. I said in my opening argument that it was conceded he was not. How my friend from Iowa [Mr. DOLLIVER] could have obtained the impression that it was so charged, and how anybody in the country could have entertained such an opinion I can not understand. I have examined the numerous petitions which have been sent to the Senate, and I desire to say that the charges made in the petitions are not that Mr. SMOOT is a polygamist, but that he is a member of a hierarchy that dominates and controls the State of Utah, believes in and practices polygamy and polygamous cohabitation, and is, in fact, a criminal organization. That is the charge. Nobody understands it better than the Senate, and nobody understands it better than the four million women in this country who ask that Mr. SMOOT may be excluded from the Senate.

I shall spend no time, therefore, in discussing the question whether Mr. SMOOT is a polygamist. Not only is there no such charge in the main protest, but at the very outset of the investigation it was stated that no proof would be offered in support of such contention. From the beginning to the end of the in-

vestigation not one solitary word was submitted to the committee on that point, and all this talk about Mr. SMOOT's being unjustly charged with being a polygamist must be for effect, for everybody knows that there was no effort to prove such allegation.

As to the oath of disloyalty, I will not go over that again. Mr. Smith, the head of the organization, testified that there was an obligation taken, and that it has never been changed. The obligation was proved to have been—

You covenant and promise that you will pray and never cease to pray Almighty God to avenge the blood of the prophets upon this nation, and that you will teach the same to your children and your children's children to the third and fourth generations.

And every witness in support of Mr. SMOOT, from Joseph Smith to Mr. SMOOT himself, bluntly and absolutely refused to disclose what the obligation was. Where else in this broad land is there a Christian organization that has an oath-bound order—secret—whose obligations it dare not and will not disclose?

Mr. President, I have no purpose to enter into a reargument or a re-presentation of the reasons which controlled the majority of the committee in reporting to the Senate the resolution that Mr. SMOOT is not entitled to a seat in this body. My views upon that question were fully expressed in the opening of the debate and I have nothing to add thereto, nor have I anything to retract. I may be permitted to say, however, that whatever strictures have been passed upon the sufficiency of the proof in support of the various allegations in the protest, there are some things about which there is not, and can not be, the slightest controversy, and which are not disputed.

As to the general character of the governing body of this organization, the criminal practices of its leading members, their open defiance of the law, their flagrant disregard of the manifesto of 1890, their continued belief in the rightfulness of polygamy as a divine institution, their open, persistent practice of polygamous cohabitation, their avowed declaration of their determination to persist in the practice so long as they live, that such organization is pronounced by the courts of this country to be a criminal organization, and that Senator SMOOT is a member of such organization is placed beyond the pale of controversy. No one can, no one will presume to deny this.

In confirmation of this statement I will read briefly from the testimony. Let us see whether these facts are not established. Out of their own mouths we will judge them. Joseph Smith, the head of the organization, testified as follows:

Mr. TAYLER. You have stated, as I recall it, that you were one of those who signed the plea for amnesty in 1891.
Mr. SMITH. That is correct.
Mr. TAYLER. With you were all of the leading officers of the church—that is to say, the first presidency and the twelve apostles—who were in the country available to sign that plea. Is that correct? * * *
Mr. SMITH. Yes, sir; I believe so. I think their names are there. * * *

Mr. TAYLER. That plea for amnesty, besides pledging the abandonment of the practice of taking plural wives, also pledged the signers of that petition and all others over whom they could exercise any control to an obedience of all the laws respecting the marriage relation?
Mr. SMITH. Yes, sir.
* * * * * * *
Mr. TAYLER. You say that there is a State law forbidding unlawful cohabitation?
Mr. SMITH. That is my understanding.
Mr. TAYLER. And ever since that law was passed you have been violating it?
Mr. SMITH. I think likely I have been practicing the same thing even before the law was passed. * * *
Mr. TAYLER. You have not in any way changed your relations to these wives since the manifesto or the passage of this law of the State of Utah? * * * You have caused them to bear you new children—all of them?
Mr. SMITH. That is correct, sir.
* * * * * * *
The CHAIRMAN. Then you have five wives?
Mr. SMITH. I have. * * * I have had eleven children born since 1890.
Mr. TAYLER. Were those children by all your wives—that is, did all of your wives bear children?
Mr. SMITH. All of my wives bore children. * * * I have had born to me eleven children since 1890, each of my wives being the mother of from one to two of those children.
I should like to repeat in connection with this question that it is a well-known fact throughout all Utah, and I have never sought to disguise that fact in the least or to disclaim it, that I have five wives in Utah.
My friends all know that—Gentiles and Jews and Mormons. They all knew that I had five wives.

Francis M. Lyman, an apostle next in line to President Smith for promotion, was asked this question by Senator Hoar:

Senator HOAR. * * * You have said more than once that in living in polygamous relations with your wives, which you do and intend to do, you knew that you were disobeying this revelation. * * * And that in disobeying this revelation you were disobeying the law of God?
Mr. LYMAN. Yes, sir.
Senator HOAR. Very well. So that you say that you, an apostle of your church, expecting to succeed, if you survive Mr. Smith, to the office in which you will be the person to be the medium of Divine revelations, are living and are known to your people to live in disobedience of the law of the land and of the law of God?
Mr. LYMAN. Yes, sir.

Abraham H. Cannon, one of the apostles, in June, 1896, went to the Pacific coast with Joseph F. Smith, the president of the church, and a Miss Hamlin. She was unmarried when they left, but when they came back she and Cannon were living together as man and wife, and Mr. Cannon confessed that he married this woman and stated to his wife before leaving that he was going to California to marry Miss Hamlin.

Mr. TAYLER. What inquiry did you make to find out whether Abraham H. Cannon, one of the twelve apostles of the church, had made a plural marriage?
Mr. SMITH. I made no inquiry at all.
Mr. TAYLER. Did you set on foot any inquiry?
Mr. SMITH. No, sir; not myself.
Mr. TAYLER. Did you have any interest in finding out whether there had been?
Mr. SMITH. Not the least.
* * * * * * *
The CHAIRMAN. * * * In any instance where you have learned that these high officials or anyone else have been guilty of plural marriage or of performing a ceremony of that kind since 1890, have you made inquiry into it? * * *
Mr. SMITH. No, sir; because it has not been my business.

TESTIMONY OF CHARLES E. MERRILL.

Mr. MERRILL. I was first married in the spring of 1887. * * * She died in the fall of 1889. * * * I was married to my legal wife in 1891. * * * Her name was Chloe Hendricks. * * *
Mr. TAYLER. Have you had children by her?
Mr. MERRILL. Yes, sir; * * * five.
Mr. TAYLER. Have you another wife?
Mr. MERRILL. Yes, sir.
Mr. TAYLER. When were you married to her?
Mr. MERRILL. In the fall of 1888. * * * In Logan. * * *
Mr. TAYLER. How many children have you had by her?
Mr. MERRILL. Four. * * * The oldest one is coming 9 years old and the youngest one is something like 2½ years old. * * *
Mr. TAYLER. Who married you in 1891?
Mr. MERRILL. My father.
Mr. TAYLER. When were you married?
Mr. MERRILL. I could not give you the exact date, but it was in March. * * *
Mr. TAYLER. Was your father then an apostle?
Mr. MERRILL. Yes, sir. * * *
Mr. TAYLER. Were you living with Annie Stoddard at the time you married what you call your legal wife?
Mr. MERRILL. Yes, sir. * * *
The CHAIRMAN. How many wives have you living now?
Mr. MERRILL. Two.
The CHAIRMAN. You are cohabiting with both of them?
Mr. MERRILL. Yes, sir.

Thomas H. Merrill testified:

Mr. TAYLER. Are you a son of Apostle Merrill?
Mr. THOMAS H. MERRILL. Yes, sir.
Mr. TAYLER. What official position do you hold?
Mr. THOMAS H. MERRILL. Bishop of the Richmond ward. * * *
Mr. TAYLER. How many wives have you?
Mr. THOMAS H. MERRILL. I have two. * * *
Mr. TAYLER. How many children have you by them?
Mr. THOMAS H. MERRILL. I have six living children by the first and four living children by the second. * * *
My youngest child by my first wife will be 14 months old the 15th of this month. The youngest child of my second wife was 3 years old the 25th day of last January.

TESTIMONY OF ALMA MERRILL.

* * * * * * *
Mr. TAYLER. You are a son of Apostle Merrill?
Mr. ALMA MERRILL. Yes, sir.
Mr. TAYLER. What official position do you hold in the church?
Mr. ALMA MERRILL. I am a member of the presidency of Benson stake. * * *
Mr. TAYLER. How many wives have you?
Mr. ALMA MERRILL. I have two. * * * I was first married in 1885, and I married again in 1886. * * *
Mr. TAYLER. Sisters that you married?
Mr. ALMA MERRILL. Yes, sir.
Mr. TAYLER. You had children by both of them?
Mr. ALMA MERRILL. Yes, sir. * * * I have had eight children by my second wife and seven by my first wife. * * * The youngest child by my first wife is near 3 years old and by my second wife 3 months old.
* * * * * * *

TESTIMONY OF ANDREW JENSON.

* * * * * * *
Senator HOAR. * * * If any Mormon, having heard Mr. Smith's testimony here, were to go back to Utah and swear that he heard him say that here and insist on his being prosecuted, he would do an act which would be odious to all good Mormons, would he not? That is the feeling, is it not?
Mr. JENSON. I think so. Yes; I think so.
* * * * * * *

TESTIMONY OF BRIGHAM H. ROBERTS.

Mr. TAYLER. You have been married how many times?
Mr. ROBERTS. I have been married three times. * * * I was married to my first wife in 1877, to my second wife in 1886, and to my third wife in 1890. * * *
Mr. TAYLER. You have had children born of this first plural wife, Celia Dibble, since you were elected to Congress in 1898?
Mr. ROBERTS. Yes, sir. * * * The last children were born some two years ago.
Mr. TAYLER. Where were you married to your third wife?
Mr. ROBERTS. In Salt Lake City.
Mr. TAYLER. By whom?
Mr. ROBERTS. By Daniel H. Wells. * * * I do not know that I can say just where.

It was in a house on First street, in Salt Lake City. * * * It was in the month of April. * * * There were no witnesses. * * * Daniel H. Wells at that time was sustained as counselor to the apostles. He had been a counselor to President Brigham Young, and was continued in that capacity—that is, as counselor to the twelve apostles, who were during an interim the presiding authorities of the church. * * *

Mr. TAYLER. You say that you have no recollection of anybody being present at the ceremony? * * * Was either of your other wives present?

Mr. ROBERTS. Neither of them. * * *

Senator OVERMAN. Did your first wife or your second wife consent to your marrying the third wife?

Mr. ROBERTS. No, sir. * * *

Yet it is one of the rules of this organization that when one takes a plural wife the consent of the other wives must first be obtained.

The CHAIRMAN. Did they know of it at the time?

Mr. ROBERTS. Not at that time.

Mr. TAYLER. When did they learn of it? * * *

Mr. ROBERTS. Two or three years afterwards, I think.

The CHAIRMAN. You understand at that time that the marriage was illegal?

Mr. ROBERTS. I did. * * *

Senator DUBOIS. Did Mr. Wells represent the authorities?

Mr. ROBERTS. I think likely he did.

Senator DUBOIS. Then you took your plural wife with the knowledge and consent of the authorities, did you not?

Mr. ROBERTS. I did not know of any of them having any knowledge of it except Mr. Wells. * * *

Mr. TAYLER. You have no record, and there is no record, so far as you know, of the marriage?

Mr. ROBERTS. None that I know of.

The CHAIRMAN. At the time of your last marriage, did the party who performed the ceremony know that you had wives living?

Mr. ROBERTS. Yes, sir. * * * He had previously married me to my second wife.

The CHAIRMAN. Did he know you had a wife before that? * * *

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. So that at the time the last ceremony was performed by him as a leading member of the church he knew you had two living wives?

Mr. ROBERTS. He did. * * *

Senator PETTUS. Did the authorities of the church, when they learned of this marriage, take any action against the official?

Mr. ROBERTS. No, sir.

Senator PETTUS. Did he continue his relation as counselor?

Mr. ROBERTS. He did; to the time of his death. * * *

The CHAIRMAN. Did any of the apostles take any action about it * * * or reprimand you for it?

Mr. ROBERTS. No, sir. * * * In explanation of that conduct I wish to say that * * * I believed that doctrine and believed it to be a commandment of God. I knew that the law of God was in conflict with the statutes enacted by Congress. I regarded it as binding upon my conscience to obey God rather than man, and hence I accepted that doctrine and practiced it; that is all. * * *

The CHAIRMAN. And you are clearly living in defiance of the law of the land?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. Then you are disregarding both the law of God and the law of man?

Mr. ROBERTS. I suppose I am.

Next we have the testimony of Angus M. Cannon.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Utah?

Mr. BURROWS. Certainly.

Mr. SUTHERLAND. I wish to ask the Senator whether these instances occurred prior to the manifesto or afterwards?

Mr. BURROWS. Some were prior to the manifesto and some afterwards. From three to five of the apostles have taken plural wives since the manifesto.

TESTIMONY OF ANGUS M. CANNON.

* * * * * * *

Mr. TAYLER. Mr. Cannon, when were you first married?

Mr. CANNON. On the 18th day of July, 1858.

Mr. TAYLER. To whom were you next married?

Mr. CANNON. To Sarah Maria Mousley. * * * I was married in the same hour to Ann Amanda Mousley.

Mr. TAYLER. By the same hour do you mean by the same ceremony?

Mr. CANNON. Yes, sir; at the same time.

I was next married to Mrs. Clara C. Mason. * * * I think it was in September, 1875. * * * I was next married to Martha Hughes. * * * On the 6th day of October, 1884. * * * I was next married to Maria Bennion. * * * On the 11th of March, 1886. * * * I was married to Johanna C. Danielson in the fall of 1886. * * * I have not been married since.

Mr. TAYLER. Are all your wives living?

Mr. CANNON. They are. * * * I have families by five of them. * * *

Mr. TAYLER. How many children have been born to you since the manifesto?

Mr. CANNON. Three.

It will be remembered that the manifesto not only prohibited the taking of plural wives, but prohibited cohabitation with those taken before the manifesto, and when that proclamation was issued by Mr. Woodruff, the president of the church, he having plural wives, instantly abandoned the practice, providing for his plural wives, but living only with his lawful wife. Mr. Smith says he can not do that with his five wives. He must live with *all* of them, because that is the very nut of the controversy.

Mr. TAYLER. How many children have been born to you since the manifesto?

Mr. CANNON. Three. * * *

The CHAIRMAN. Since that time you have cohabitated with these wives?

Mr. CANNON. It has been my practice, if I can not live the law as the Lord gives it to me, I come as near to it as my mortal frailty will enable me to do. * * *

The CHAIRMAN. Then, in cohabiting with these wives since the manifesto, you have violated the law of God, have you not?

Mr. CANNON. I presume I did. * * *

The CHAIRMAN. Then you, as a patriarch, are violating both the law of your church and the law of the land?

Mr. CANNON. Yes; I am only mortal.

The CHAIRMAN. Do you not recognize these wives as wives?

Mr. CANNON. I do.

The CHAIRMAN. Publicly?

Mr. CANNON. I am doing so now.

The CHAIRMAN. * * * Do you intend to continue polygamous cohabitation?

Mr. CANNON. I will have to improve if I do not.

The CHAIRMAN. Then, in other words, you intend to continue to violate the law of the land and law of God, as you understand it?

Mr. CANNON. I intend to try and be true to the mothers of my children until death deprives me of the opportunity. * * *

TESTIMONY OF GEORGE REYNOLDS.

* * * * * *

Mr. TAYLER. How many wives have you?

Mr. REYNOLDS. I have two. My legal wife is dead. My other two are plural wives and are living at the present time.

The CHAIRMAN. You have children by these two wives you are living with now?

Mr. REYNOLDS. I have children by my two plural wives, sir. * * * The last one born of the woman my third wife was born probably sixteen or eighteen months ago. * * * The youngest by the other wife is five or six years old now. * * * I have had thirty-two children by the three wives.

* * * * * * *

Senator MCCOMAS. Did they or you, in your high place, ever make any endeavor to check the practice of polygamy and to impress upon people their obligations to obey the law of the land?

Mr. REYNOLDS. I don't know what the others did, but I never have.

Senator MCCOMAS. And, so far as you know, your associates never did either?

Mr. REYNOLDS. As far as my knowledge is concerned I have no recollection of having heard them.

Senator MCCOMAS. Have you heard or do you know of any concerted effort on the part of those higher in authority than yourself, the first presidency and the apostles, to have people obey the law of the land and not continue to encourage plural marriages and not practice polygamy?

Mr. REYNOLDS. No, sir; I know of no concerted effort.

TESTIMONY OF JOHN HENRY HAMLIN.

* * * * * * *

Mr. TAYLER. What relation are you to Lillian Hamlin?

Mr. HAMLIN. Brother.

Mr. TAYLER. She is younger than you? * * * How much younger?

Mr. HAMLIN. Possibly ten years. * * *

Mr. TAYLER. * * * I am speaking now of the time immediately prior to the time when she was married. * * * And whom did she marry? * * * What was your family conviction and understanding about that?

Mr. HAMLIN. That she was married to a Mr. Cannon.

Mr. TAYLER. What was his first name?

Mr. HAMLIN. Abram.

Mr. TAYLER. An apostle of the church?

Mr. HAMLIN. I believe so. I understand so.

Mr. TAYLER. And where did you understand she was married?

Mr. HAMLIN. On the Pacific coast.

Mr. TAYLER. By whom?

Mr. HAMLIN. Well, our understanding was that President Joseph F. Smith married her. * * *

Mr. TAYLER. Has she a child?

Mr. HAMLIN. Yes; she has a child. * * * The child goes by the name of Cannon. * * * Marva Cannon.

Mr. TAYLER. * * * Nobody has ever questioned that the child was the daughter of Abram Cannon? Nobody has ever doubted that that you know of?

Mr. HAMLIN. No, sir.

The CHAIRMAN. Do you know whether this child inherits any of the property? * * *

Mr. HAMLIN. It does.

The CHAIRMAN. Of the Cannon estate?

Mr. HAMLIN. Yes, sir. * * *

Mr. TAYLER. There never has been one understanding or impression, or talk in the family respecting it, except that your sister Lillian married Abram Cannon a few weeks before he died, and that Joseph F. Smith married them. There has never been any variation from that subject, has there?

Mr. HAMLIN. No, sir.

TESTIMONY OF GEORGE H. BRIMHALL.

* * * * * * *

Mr. TAYLER. What official position do you hold in the university now?

Mr. BRIMHALL. I am the president of it. * * * I became president last January. * * *

Mr. TAYLER. Are you a polygamist?

Mr. BRIMHALL. I have two wives. * * * I was married to my first wife in 1874 and to my second wife in 1885, as I remember it now. * * *

Mr. TAYLER. How many children have been born to you since 1890?

Mr. BRIMHALL. Four, I think.

Mr. TAYLER. How many by the plural wife since 1890?

Mr. BRIMHALL. I think it is the four.

TESTIMONY OF JOSIAH HICKMAN.

* * * * * * *

Mr. TAYLER. How many wives have you?

Mr. HICKMAN. I have one living. * * *

Mr. TAYLER. You married first in 1884 or 1885, did you? * * * And again in 1890?

Mr. HICKMAN. Yes, sir.

Mr. TAYLER. And the first wife died when?

Mr. HICKMAN. Ten years ago the 2d of last November.
Mr. TAYLER. And the wife you married in 1890, who was at the time you were married your plural wife—that is correct, is it?
Mr. HICKMAN. If I understand your question rightly, it is.
Mr. TAYLER. She is your present wife?
Mr. HICKMAN. Yes, sir. * * *
Mr. TAYLER. What children have you by her?
Mr. HICKMAN. Five children. * * *
Mr. TAYLER. And for ten years you lived with two wives? * * * From 1890 to 1900?
Mr. HICKMAN. Yes, sir. * * *
Mr. TAYLER. * * * As you understand it, you are not lawfully wedded to your wife?
Mr. HICKMAN. No, sir. * * *
Mr. TAYLER. You and she made the journey to Mexico for the sole purpose of being married?
Mr. HICKMAN. Yes, sir.
Mr. TAYLER. Did you go together?
Mr. HICKMAN. Yes, sir.
Mr. TAYLER. What was the official position of the man who married you?
Mr. HICKMAN. I can not say.
Mr. TAYLER. What were you married in? What kind of a place?
Mr. HICKMAN. It was in no place—that is, just a small company. I do not remember who the company were, except this man. We were out walking through the country—over the country—and we were married.
Mr. TAYLER. Who were the witnesses?
Mr. HICKMAN. I do not know the witnesses. They were all strangers to me.
Mr. TAYLER. Was no certificate given to you of the fact of your marriage?
Mr. HICKMAN. No, sir.
Mr. TAYLER. You have, therefore, no record, and no record, so far as you know, exists of the fact of your marriage with this young woman?
Mr. HICKMAN. That is all. * * *
The CHAIRMAN. I did not understand clearly where you said this ceremony was performed.
Mr. HICKMAN. I forget the name of the little village or place. We just went down and back. * * *
The CHAIRMAN. Whereabouts?
Mr. HICKMAN. As I stated, just out in the country. * * *
The CHAIRMAN. In the highway?
Mr. HICKMAN. Yes, sir.
The CHAIRMAN. How many were present in the highway when the ceremony took place?
Mr. HICKMAN. Perhaps half a dozen. * * *
The CHAIRMAN. Did you go to this place where the ceremony was performed on foot or carriage?
Mr. HICKMAN. On foot.
The CHAIRMAN. How far was it from the town?
Mr. HICKMAN. Oh, perhaps about a mile. I don't remember now. * * *
Mr. TAYLER. * * * Why did you go to Mexico to be married?
Mr. HICKMAN. For the simple reason that the brethren stated that they were not marrying any more in the United States.

* * * * * * *

TESTIMONY OF MRS. WILHELMINA C. ELLIS.

* * * * * * *

Mr. TAYLER. Are you a daughter of Angus Cannon?
Mrs. ELLIS. Yes, sir.
Mr. TAYLER. Very early in your life you were married to your cousin, Abraham Cannon, were you not? * * * And since his death you have married Mr. Ellis?
Mrs. ELLIS. Yes, sir. * * *
Mr. TAYLER. When did he marry Lillian Hamlin?
Mrs. ELLIS. I do not know the date. * * * After June 12 and before July 2. * * * 1896. * * *
Mr. TAYLER. Did he, before he married Lillian Hamlin, talk to you about it? * * * Did he tell you that he was going to marry her?
Mrs. ELLIS. Yes, sir. * * *
Mr. TAYLER. Did you say anything to him in reply to his statement that he was going to marry her?
Mrs. ELLIS. Yes, sir; I told him I did not think he could marry her. * * * He said he could marry her out of the State—out of the United States. * * *
Mr. TAYLER. * * * What did Mr. Cannon say to you shortly before his death about his having married Miss Hamlin?
Mrs. ELLIS. He told me he had married her, and asked my forgiveness. * * *
Senator DUBOIS. Have you ever heard it rumored that anybody else than Joseph F. Smith married them?
Mrs. ELLIS. I thought he had married them until he was here last year, or at the last term of Congress.
Mr. TAYLER. Until he testified here in the committee?
Mrs. ELLIS. Yes, sir.

* * * * * * *

TESTIMONY OF MRS. MARGARET GEDDES.

* * * * * * *

Mr. TAYLER. When were you married?
Mrs. GEDDES. I came here the 1st day of June, 1884, and was married the December following—the 4th day, 1884.
Mr. TAYLER. Whom did you marry then?
Mrs. GEDDES. William S. Geddes. * * *
Mr. TAYLER. Were you a plural wife?
Mrs. GEDDES. Yes, sir. * * *
Mr. TAYLER. Did you have children?
Mrs. GEDDES. Yes, sir. * * * Four children. * * *
Mr. TAYLER. Do you know about what year you came back from Oregon?
Mrs. GEDDES. It was the year my husband died, sir. That is thirteen years ago last August, and I came back thirteen years ago last June, I think. * * * My husband died in August, and my little baby was born the following January. * * *
Mr. TAYLER. How many children have you now, Mrs. Geddes?
Mrs. GEDDES. Four living children. * * * My oldest boy is dead, but the four living ones are aged, the one 17, the one 15, one 13, and one 5½.
Mr. TAYLER. Who is your second husband?
Mrs. GEDDES. I have no second husband.
Mr. TAYLER. Who is the father of the youngest child?
Mrs. GEDDES. I decline to answer that question.
Mr. TAYLER. Is his name Echols (Eccles)?
Mrs. GEDDES. No, sir. * * *
Mr. TAYLER. Where was the child born?
Mrs. GEDDES. Salt Lake City.

* * * * * * *

TESTIMONY OF JOHN NICHOLSON.

* * * * * * *

Mr. TAYLER. Mr. Nicholson, are you a polygamist?
Mr. NICHOLSON. Yes, sir.
Mr. TAYLER. How many wives have you?
Mr. NICHOLSON. I have two.
Mr. TAYLER. Have you had children born to you since 1890? * * * By both wives?
Mr. NICHOLSON. Wait a moment. I have so many that I can not tell.
The CHAIRMAN. I do not want to annoy you, but can you readily recall the number of children you have had?
Mr. NICHOLSON. Fifteen.
The CHAIRMAN. How many of them by the plural wife, if you can tell?
Mr. NICHOLSON. Five; and ten by the other.

* * * * * * *

TESTIMONY OF JOSIAH HICKMAN.

* * * * * * *

Senator DUBOIS. Is it permissible for a Mormon, or was it permissible when you were married the second time, for a Mormon to enter into plural marriage without getting the consent of some one in authority in the church?
Mr. HICKMAN. No, sir. You mean in my second marriage?
Senator DUBOIS. Yes; or any second marriage.
Mr. HICKMAN. I do not think it could be done without authority.
Senator DUBOIS. * * * Who gave you your authority to enter into this marriage?
Mr. HICKMAN. Francis M. Lyman.
Senator DUBOIS. Was he an apostle at the time?
Mr. HICKMAN. Yes, sir.

* * * * * * *

TESTIMONY OF WILLIAM BUDGE.

* * * * * * *

Mr. TAYLER. What official position do you hold?
Mr. BUDGE. I am president of the Bear Lake stake. * * *
Mr. TAYLER. How many wives have you?
Mr. BUDGE. Three.
Mr. TAYLER. How many children?
Mr. BUDGE. Twenty-five. * * *
Mr. TAYLER. How old is your youngest child?
Mr. BUDGE. Between 6 and 7 years of age. * * *
Mr. TAYLER. The mother of that child is your wife who was married to you in 1868? [Third wife.]
Mr. BUDGE. Yes, sir.
Mr. TAYLER. How many children have you had by her since 1890?
Mr. BUDGE. Three children.
Mr. TAYLER. Where are your other wives?
Mr. BUDGE. Living also at Paris.
Mr. TAYLER. You do not live with one of them to the exclusion of the others?
Mr. BUDGE. No, sir.

* * * * * * *

TESTIMONY OF JOHN HENRY SMITH.

* * * * * * *

Mr. TAYLER. When did you become an apostle?
Mr. SMITH. In 1880, I think, if my memory serves me. * * *
Mr. TAYLER. How many wives have you?

* * * * * * *

Mr. SMITH. Two.
Mr. TAYLER. And you have had children born since the manifesto by your plural wife?
Mr. SMITH. Yes, sir.
Mr. TAYLER. How many?
Mr. SMITH. I couldn't say; but there are several of them. * * *
The CHAIRMAN. Could you, by reflection, tell the committee about how many of the seven were born since 1890?
Mr. SMITH. I should think there were four of them. * * *
Mr. TAYLER. Were you one of the signers of the application for amnesty?
Mr. SMITH. Yes, sir. * * *
Mr. TAYLER. Do you remember the interpretation put upon it by Wilford Woodruff and the other leaders of the church? * * * And the testimony of Joseph F. Smith respecting the meaning of the manifesto? * * * Its appliction as well to polygamous cohabitation as to entering into new polygamous relation? * * * You subscribe to their view of it, do you?
Mr. SMITH. Yes, sir. * * *
Mr. TAYLER. You propose to continue the practice that you then started, upon the theory that there is a higher obligation upon you than the obligation to obey the law?
Mr. SMITH. Yes; I must suffer the consequences, if my countrymen see fit to punish me. * * *
Mr. TAYLER. That relation that you contracted, and others like you, prior to the manifesto, to your several wives, was a relation which you contracted with the approval of God?
Mr. SMITH. That is it.
Mr. TAYLER. And that no law of the land can dissolve that?
Mr. SMITH. No, sir.
Mr. TAYLER. Or interfere with that?
Mr. SMITH. No, sir.

I will read a brief extract from the testimony of Mr. SMOOT showing his connection with this organization and his attitude toward it:

The CHAIRMAN. In your church economy is there any method by which the president can be deposed?
Senator SMOOT. Yes; there is.
The CHAIRMAN. What?

* * * * * * *

Senator SMOOT. If he commits any unchristian-like act or in any way, shape, or form does anything that would unfit him for that place, he can be tried just the same as any member of the church.

The CHAIRMAN. And if found guilty?
Senator SMOOT. And if found guilty he can be removed from the church.
The CHAIRMAN. And from his presidency?
Senator SMOOT. And from his presidency.
The CHAIRMAN. You heard the testimony here, I believe, of Joseph F. Smith?
Senator SMOOT. I did.
The CHAIRMAN. In which he testified that he was living in defiance of the law of the land?
Senator SMOOT. I did.
The CHAIRMAN. Did you also hear him state that he was living contrary to the divine law?
Senator SMOOT. I heard him testify, and make his qualifications.
The CHAIRMAN. That he is living in defiance of the divine command. Has the church proceeded against him for the violation of these laws?
Senator SMOOT. They have not.
The CHAIRMAN. No steps have been taken to try him for the offense of polygamous cohabitation?
Senator SMOOT. No, sir.
The CHAIRMAN. I understood you to say this morning that it is the province of the apostles to counsel and advise the president?
Senator SMOOT. When asked by him.
The CHAIRMAN. Only when requested?
Senator SMOOT. Yes.
The CHAIRMAN. You are not, then, at liberty to advise him unless requested?
Senator SMOOT. I do not think he would object to it at all if I did.
The CHAIRMAN. Are you at liberty to advise him unless requested?
Senator SMOOT. I do not think President Smith would object if I did. I do not know that I have any special right to do it, but I do not think he would object to it.
The CHAIRMAN. I think my question was very plain. You have the right to advise him, even if he does not request it?
Senator SMOOT. That is a question which it is hard to answer yes or no, and I do not want to——
The CHAIRMAN. After you heard President Smith testify here that he was living in violation of the laws of the State and of the law of God did you see him in the committee room and elsewhere?
Senator SMOOT. I did.
The CHAIRMAN. How long was he here?
Senator SMOOT. Here in Washington, do you mean?
The CHAIRMAN. Yes. I am not particular about it—two or three days?
Senator SMOOT. Two or three days.
The CHAIRMAN. You saw him frequently?
Senator SMOOT. Not frequently. I saw him, though.
The CHAIRMAN. Did you make any protest to him about his manner of living?
Senator SMOOT. I did not.
The CHAIRMAN. You have visited Utah since?
Senator SMOOT. I have.
The CHAIRMAN. You have seen him at Salt Lake since?
Senator SMOOT. I have.
The CHAIRMAN. Have you protested against his living in polygamous cohabitation?
Senator SMOOT. I have not.
The CHAIRMAN. Have you in any way sought to bring him to trial for those offenses?
Senator SMOOT. I have not.
The CHAIRMAN. Do you intend to?
Senator SMOOT. I do not.
The CHAIRMAN. Do you remember how many children he said had been born to him since 1890?
Senator SMOOT. I think he said eleven.
The CHAIRMAN. And by all of his five wives?
Senator SMOOT. That I am not positive of.
The CHAIRMAN. Now, with the full knowledge of these facts, testified to by him, you sustained him in October last?
Senator SMOOT. I did.
The CHAIRMAN. You not only did not reprimand President Smith for his conduct, but you sustained him in October last in a public assembly?
Senator SMOOT. When he was presented to be voted upon as president of the church I voted for him as such.
The CHAIRMAN. Have you indicated to him directly or indirectly that his conduct is displeasing to you?
Senator SMOOT. I have not.
The CHAIRMAN. Have you resigned your position as an apostle?
Senator SMOOT. I have not.
The CHAIRMAN. Have you severed your connection with the Mormon Church?
Senator SMOOT. I have not.
The CHAIRMAN. And you intend to retain your relationship and your apostolic position and sustain the president in his crimes?
Mr. WORTHINGTON. I object to that—that he intends to sustain the president in his crimes.
The CHAIRMAN. I will modify the question. I will ask the witness whether he intended to sustain Mr. Smith in the commission of this crime?
Senator SMOOT. I do not sustain any man in the commission of crime.
The CHAIRMAN. You sustained him in living in polygamous cohabitation?
Senator SMOOT. I have not said that.
The CHAIRMAN. Did you not sustain him in October last?
Senator SMOOT. I sustained him as president of the church.
The CHAIRMAN. And you have made no protest to him personally?
Senator SMOOT. It is not my place as an officer of the law nor within my place as a citizen of Provo. That is where I live. It is not my place to make any complaint to the officers of the law against President Joseph F. Smith.
The CHAIRMAN. Against the head of the church?
Senator SMOOT. Against Joseph F. Smith, or John Henry Smith; I do not care whether he is the head of the church or a man living there.
The CHAIRMAN. Then you think that your relation as an apostle does not impose upon you any duty to make complaint against the head of the church for any offense?
Senator SMOOT. I do not think it would be my duty.
* * * * * * *
The CHAIRMAN. I think you said before the October conference there was a meeting of the officials of the church. Did I understand you correctly—that the president and apostles had a meeting and that there was some discussion about some matters?
Mr. WORTHINGTON. Prior to the 1904 conference, you mean?
The CHAIRMAN. Yes; some preliminary meeting of the officials.

Senator SMOOT. Why, we had meetings right along, Mr. Chairman. I can not call to mind what you have reference to.
The CHAIRMAN. I had reference to your testimony in chief in which you said there was a meeting of the president and the apostles a few days before the conference.
Senator SMOOT. At the time Mr. Penrose was nominated?
The CHAIRMAN. Possibly.
Senator SMOOT. Yes; I remember it.
The CHAIRMAN. What I want to inquire about is whether at that time you made known to Mr. Smith and those present your surprise to learn that the president was living in polygamous cohabitation?
Senator SMOOT. I did not.
The CHAIRMAN. You did not say anything to him about it? Was anything said about it by anyone?
Senator SMOOT. Not that I remember.
The CHAIRMAN. Mr. Penrose was proposed, as I understood you to say, at that meeting——
Senator SMOOT. By the president of the church.
The CHAIRMAN. To fill the vacancy in the apostolate?
Senator SMOOT. Yes.
The CHAIRMAN. Was Mr. Penrose a polygamist at that time?
Senator SMOOT. He was a polygamist. He had been married before the manifesto.
The CHAIRMAN. Yes; I understand.

Then Mr. SMOOT volunteered this statement:

But, of course, as I said, you know, Senator, at that time I did not know it.

Mr. SMOOT had sat in the committee room and heard Smith testify that Penrose was a polygamist, but in order that the president of the church might have no misunderstanding of his attitude or suppose that he did not approve of what the president himself was doing, he volunteered this statement:

But it would not have made any difference to me, as I said before.
The CHAIRMAN. That is as I understand; but at the time you did not know he was a polygamist?
Senator SMOOT. I knew he had been a polygamist, and I knew that one of his wives died. I never knew anything about his family, and I thought he had had two wives and, one dying, he only had the one; but it proved that he had, before the manifesto, three wives instead of two.
The CHAIRMAN. Do you know what his general reputation was at that time in that regard?
Senator SMOOT. I never heard it mentioned.
The CHAIRMAN. It never came to your knowledge what his reputation was in that particular?
Senator SMOOT. I never heard it mentioned, Mr. Chairman.
The CHAIRMAN. I understood you to say you would have voted for him had you known him to be a polygamist.
Senator SMOOT. Under the circumstances, that he was married before the manifesto.
The CHAIRMAN. Then the fact, if it were true, that he was living in polygamous cohabitation would have made no difference with your vote?
Senator SMOOT. Well, I knew nothing as to that, of course.
The CHAIRMAN. Suppose it to be true that he was, and you had known he was, living in polygamous cohabitation since the manifesto; you would have still supported him?
Senator SMOOT. In a church position.
The CHAIRMAN. I beg your pardon.
Senator SMOOT. In a church position.
The CHAIRMAN. Well, this was a church position.
Senator SMOOT. This was a church position.
The CHAIRMAN. So that would not have deterred you from voting for him?
Senator SMOOT. I hardly think so.
Mr. TAYLER. Senator, while you were an apostle, Joseph F. Smith was made president?
Senator SMOOT. He was.
Mr. TAYLER. You voted for him?
Senator SMOOT. I did.
Senator OVERMAN. Did you vote to sustain him at the October conference, after he had given his testimony here?
Senator SMOOT. I did.
Mr. TAYLER. And you have voted to sustain him ever since then?
Senator SMOOT. Whenever I have been there, on the ground that I stated yesterday.
Mr. TAYLER. That there was no reason, according to your view, why a man should not be elevated to a church office, who was married to plural wives, and continued in that habit or relation?
Senator SMOOT. I forget whether I said continued in their relation, but I suppose it would be the same.
Mr. TAYLER. The same thing?
Senator SMOOT. Yes.
* * * * * * *
Mr. TAYLER. When was it that your attention was first called to the claim or charge or rumor that President Benjamin Cluff, of Brigham Young University, had married another and a plural wife since the manifesto?
Senator SMOOT. In 1902, I think.
Mr. TAYLER. You were then a trustee of the institution?
Senator SMOOT. I was.
Mr. TAYLER. And you were a member of what committee?
Senator SMOOT. I was a member of the executive committee. * * *
Mr. TAYLER. And you were also at that time an apostle?
Senator SMOOT. Yes; I was.
Mr. TAYLER. What steps did you take to find out if that was true?
Senator SMOOT. Mr. Knight told me that he was going to inquire about it, and that he did inquire of Mr. Cluff about it, and I do not know that I took any particular steps, Mr. Tayler, other than what was related here yesterday at the meeting.
Mr. TAYLER. You said that Mr. Cluff gave a reply to Mr. Knight that you interpreted as being evasive?
Senator SMOOT. I so considered it.
Mr. TAYLER. Did you learn who was the reputed new wife?
Senator SMOOT. I heard from Mr. Knight that it was the daughter of George Reynolds. * * *
The CHAIRMAN. * * * Did Knight make a report to you as to what he found to be the facts?
Senator SMOOT. He told me, Mr. Chairman, that he had spoken to Mr. Cluff about it, and that Mr. Cluff gave what he considered an evasive answer, and that he thought there must be some truth in it. * * *

The CHAIRMAN. Did you follow it up after that to ascertain?

Senator SMOOT. I reported here that that was the beginning, I think, of the removal of Mr. Cluff, or the change of Mr. Cluff as president of the faculty of Brigham Young University.

The CHAIRMAN. Did you make further inquiry?

Senator SMOOT. I said no. I did not.

Mr. TAYLER. He remained president for a year or two after that?

Senator SMOOT. A year, I think; a little over.

Mr. TAYLER. Then he was succeeded by Brimhall.

Senator SMOOT. George H. Brimhall.

Mr. TAYLER. He also was a polygamist, living with his plural wife?

Senator SMOOT. Yes. He had two wives, as I stated yesterday.

Mr. TAYLER. He has now, has he not?

Senator SMOOT. Yes. * * *

Mr. TAYLER. You were not present at the meeting at which he was elected?

Senator SMOOT. No; I was not.

Mr. TAYLER. But if you had been there, I understood you to say, you would have voted for him?

Senator SMOOT. I think I would. * * *

Mr. TAYLER. And the rule which you laid down as controlling your conduct in such a case, for instance, as Apostle Penrose's election, would apply to the case of a man who was to be elected president of a church university?

Senator SMOOT. I think the same rule might apply. Of course the conditions may be different.

Mr. TAYLER. I mean, other things being the same, that is to say, you would not vote for George Brimhall for a civil political position, but you would vote for him for president of the Brigham Young University?

Senator SMOOT. If it was a Federal office, I would not vote for Mr. Brimhall. * * * But if it were a local office there that he was running for, perhaps I would. * * *

Mr. TAYLER. Then, you state that you would be more likely to apply the rule of noninterference on account of a man's polygamous living in a case where he was to be chosen for a State office or an office in the State than if it was a Federal position that was to be filled?

Senator SMOOT. I think I could say that with truth, Mr. Tayler.

Mr. TAYLER. Now, why? * * * The law which George Brimhall is violating is not a Federal law at all, but a State law.

Senator SMOOT. I am aware of it.

Mr. TAYLER. So that it is not because of his violation of law that you would withhold from or give support to him? That has nothing to do with it?

Senator SMOOT. I do not think that George Brimhall is holding out a wife there in a flaunting manner. I do not think very many people know that he has more than one.

Mr. TAYLER. Is he not violating the law?

Senator SMOOT. Technically, yes.

Mr. TAYLER. Technically? Is he having children by his plural wife?

Senator SMOOT. Yes; he is. * * *

The CHAIRMAN. You say it is a technical violation of the law?

Senator SMOOT. I think, Mr. Chairman, I could even say it is a violation of the spirit of the law.

The CHAIRMAN. Is it not only a violation of the spirit of the law, but of the letter of the law?

Senator SMOOT. And the letter of the law.

Citations from the testimony might be continued almost indefinitely showing the continued belief in polygamy and the widespread practice of polygamous cohabitation throughout Utah and in contiguous States and Territories.

But it is said polygamy is dying out. Who says this and by what evidence is such declaration supported? The President of the United States, who never moves by indirection or strikes an aimless blow, is evidently not in accord with the opinion that polygamy is dying out. Let me read from his message delivered to this body less than ninety days ago. He said:

> I am well aware of how difficult it is to pass a constitutional amendment. Nevertheless, in my judgment, the whole question of marriage and divorce should be relegated to the authority of the National Congress. At present the wide differences in the laws of the different States on this subject result in scandals and abuses; and surely there is nothing so vitally essential to the welfare of the nation, nothing around which the nation should so bend itself to throw every safeguard, as the home life of the average citizen. The change would be good from every standpoint.
>
> In particular it would be good because it would confer on the Congress the power at once to deal radically and efficiently with polygamy, and this should be done whether or not marriage and divorce are dealt with. It is neither safe nor proper to leave the question of polygamy to be dealt with by the several States. Power to deal with it should be conferred on the National Government.
>
> When home ties are loosened; when men and women cease to regard a worthy family life, with all its duties fully performed, and all its responsibilities lived up to, as the life best worth living then evil days for the Commonwealth are at hand.

It is not true that polygamy has ceased, either in Utah or elsewhere in the adjacent States and Territories. Nor is its teaching abandoned.

We have had read to us from the Book of Doctrines and Covenants a portion of the articles of faith of this cult, but a very important part of the creed was omitted. I supply it:

> 61. And again, as pertaining to the law of the priesthood: If any man espouse a virgin and desires to espouse another and the first give her consent, and if he espouse the second, and they are virgins and have vowed to no other man, then he is justified—he can not commit adultery, for they are given unto him; for he can not commit adultery with that that belongeth to him and to no one else.
>
> 62. And if he have ten virgins given unto him by this law he can not commit adultery, for they belong to him and they are given unto him; therefore is he justified.

It is said that this article of faith is suspended, but it is, nevertheless, retained in the Book of Doctrines and Covenants, and published throughout the world, while the manifesto suspending it has never found its way into this compilation. The poison is retained, but the antidote is withheld. Suspended, but not repudiated, for every witness before the committee, from Joseph Smith to the humblest follower of this seer and prophet, including Mr. SMOOT himself, declare continued belief in the principle of polygamy as much to-day as they ever did, and it is a remarkable fact that in the Senator's speech of yesterday he did not repudiate that article of faith. It is only suspended for the time being.

But whatever may be said regarding polygamy, polygamous cohabitation is rampant in Utah, and in many of the adjoining States and Territories, and it is this which constitutes the head and front of the offending.

The Attorney-General reported December 29, 1905:

> The Department was advised by telegram, on December 27, 1905, that the prosecutions in Arizona have resulted in sixteen convictions and three acquittals under the Edmunds Act. Twelve convictions out of the sixteen were for unlawful cohabitation. * * *
>
> The district attorney advised the Department, on December 26, 1905, by telegram, that during the year 1905 fifteen persons have been convicted under the Edmunds Act and twelve cases dismissed. * * *
>
> It will therefore be observed that the investigation conducted by the Department in the Territories of Arizona and New Mexico, since the matter was first called to the attention of the Department by you, has resulted in thirty-one convictions in these two Territories, in the majority of the cases upon the charge of unlawful cohabitation.
>
> Very respectfully,
>
> WILLIAM H. MOODY,
> *Attorney-General.*

But why should not polygamous cohabitation continue and steadily increase under the continued and notorious practice and potent example of the head of the organization, who blasphemously proclaims himself "seer, prophet, saint, revelator, and mouthpiece of God?"

I hold in my hand an indictment against this lecherous head of the church whom the Senator from Utah but recently eulogized. Let me read it. It is a certified copy, attested October 3, 1906:

> STATE OF UTAH, *County of Salt Lake, ss:*
>
> In the city court of Salt Lake City, before J. J. Whitaker, judge. The State of Utah, complainant, *v.* Joseph F. Smith, defendant.
>
> On this 1st day of October, A. D. 1906, before J. J. Whitaker, judge of the city court within and for Salt Lake City, Salt Lake County, State of Utah, personally appeared Axel Steele, who, on being duly sworn by me, on his oath did say that Joseph F. Smith, on the 2d day of December, 1903, and at divers times thereafter and continuously thereafter down to and including the 1st day of October, 1906, at Salt Lake City, Salt Lake County, State of Utah, did commit the crime of unlawful cohabitation as follows, to wit: That the said Joseph Smith, being then and there a male person, did then and there unlawfully and wfilfully live and cohabit with more than one woman, to wit, Julina L. Smith, Sarah E. Smith, Edna L. Smith, Alice K. Smith, and Mart T. Smith, in the habit and repute of marriage, contrary to the provisions of the statute of the State aforesaid, in such cases made and provided, and against the peace and dignity of the State of Utah.
>
> AXEL STEELE.
>
> Subscribed and sworn to before me the day and year first above written.
>
> J. J. WHITAKER, *Judge.*

This "prophet and seer" but ninety days ago was arraigned in a criminal court and convicted for unlawful cohabitation. I need not read the information, the judgment of the court will suffice:

> In the third judicial district court in and for Salt Lake County, State of Utah. State of Utah *v.* Joseph F. Smith. Information charging unlawful cohabitation.
>
> F. C. Loofbourow, district attorney, the defendant, and his attorney, F. S. Richards, being now present and ready, the defendant is duly arraigned at the bar in open court and, especially waiving time therefor, now enters his plea of guilty to the crime of unlawful cohabitation as charged in the information on file herein; and said defendant, especially waiving time for the passing of sentence and being now before me, Morris L. Ritchie, judge, and ready, the judgment and sentence of this court is that you, Joseph F. Smith, pay a fine of $300, or in default thereof be confined in the county jail one day for each dollar thereof remaining unpaid.
>
> And it is further ordered that you, C. Frank Emery, sheriff of Salt Lake County, State of Utah, be, and you are hereby, commanded to take the said Joseph F. Smith and confine him in the said county jail in accordance with the above sentence and commitment.
>
> Dated Thursday, November 23, 1906.

This "seer and prophet," this exemplar of an alleged religious faith, is brought into a criminal court, and pleads guilty to unlawful cohabitation with five women, and the court imposes upon him a fine of $300, and he returns to his wallowing.

But we are assured that polygamous cohabitation, if permitted to run its course, will ultimately die out. Time and time again the nation has been lulled into repose and fancied security by this specious cry.

But when may the country expect its demise? The comforting assurance is given us that when this crime has run its course, and the last victim of this lustful oligarchy shall have found safety and repose within the portals of the grave, then we may expect to see the end of this abomination. In the meantime the crime must be permitted to continue, and with silent and insidious step pursue its course of pollution of the American home. Mr. President, it ought to stop *now—this day and*

hour—and the National Government, in view of what the President has said, at no distant day will, I trust, lay its hand upon this unholy thing and compel its devotees to obey the law and stop filling the land with their illegitimate offspring.

But we are told that this is a war against a religious faith and that if Mr. SMOOT is expelled then the presiding authorities of every church of whatever faith, Jew or Gentile, Catholic or Protestant, may be denied a seat in this national council chamber. I deny it. It is not a war on a church, but it is a protest against the admission into the Senate of the representative of an organization confessedly criminal. Churches of this country, Jew or Gentile, Protestant and Catholic, alike guard and protect the purity of the home as the altar of their faith, and I protest against this effort to drag the Christian churches of the land down to the low level of this abomination.

[Applause in the galleries.]

The VICE-PRESIDENT. The Chair must admonish the occupants of the galleries that applause is not allowed under the rules of the Senate.

Mr. BURROWS. But it is said that Senator SMOOT from his youth up has set his face and lifted up his voice against polygamy.

The testimony in the case will be searched in vain for one act of Mr. SMOOT or one word from him in opposition to the practice of polygamy or polygamous cohabitation on the part of his associates, who, with him, give the law to the church. He testified in the investigation that after knowing that the head of the church was living in defiance of the laws of God and the State he did not even advise a different course of conduct, although confessedly a part of his duty as an apostle to act as an adviser of the erring official.

And while it has been the practice as well as the duty of Mr. SMOOT to preach to the people, he has never on any single occasion uttered one word against polygamy or polygamous cohabitation. His own testimony on that point is as follows:

The CHAIRMAN. I understand you, Senator, to state that you do not teach polygamy?
Senator SMOOT. I do not.
The CHAIRMAN. Or advise it? You teach and preach sometimes?
Senator SMOOT. I do.
The CHAIRMAN Do you preach against polygamy?
Senator SMOOT. I never have in a public gathering of people.
The CHAIRMAN. Why do you not?
Senator SMOOT. Well, Mr. Chairman, I do not know why I should.
The CHAIRMAN. You do not know why you should?
Senator SMOOT. Or why I should not. It is not a tenet now of the faith and—that is, what I mean to say is, it has been suspended, and I think it would not be proper for me to bring it up, because it is not preached for or against.
The CHAIRMAN. So, while it is literally true that you do not teach or preach polygamy, you have not taught or preached against it?
Senator SMOOT. No. I have not.
The CHAIRMAN. Senator, in your teaching and preaching, have you at any time denounced polygamous cohabitation?
Senator SMOOT. I have not.
The CHAIRMAN. And do I understand you to say you do not repudiate that practice and preach against it publicly?
Senator SMOOT. I have not.

On the other hand, there are numerous acts of Mr. SMOOT as an apostle encouraging polygamy as well as polygamous cohabitation. While the contracting of plural marriages by his associates in the apostolate and others since the manifesto has been a matter of so common notoriety that Mr. SMOOT could not have been ignorant of the truth, he, by his silence, shielded those who were guilty of this crime until the facts had been revealed by this investigation. As one of the trustees of the Brigham Young Academy it was his duty to at least inquire concerning the truth of assertions that Benjamin Cluff, jr., had taken a plural wife since the manifesto, but he made no effort in that direction. As trustee of the same institution he made no objection to the election of George H. Brimhall, a polygamist, as president of the academy after the retirement of Benjamin Cluff, jr. Nor did he object to the appointment of Joseph F. Tanner as superintendent of the Mormon Sunday schools of the world when Tanner was obliged to step down and out of his official position in the agricultural college because of the fact that he was a polygamist and had taken a plural wife since the manifesto and it was feared that on this account the support given by the United States Government to the college would be withdrawn. He assisted in the election of Joseph F. Smith to the presidency of the church, at the time a well-known polygamist, and has since then twice every year voted to sustain him. He assisted in the selection of Heber J. Grant, a notorious polygamist, as president of a most important mission. He voted for the election of Charles W. Penrose, a polygamist, as an apostle, although there were any number of high officials in the church who were in every way worthy of consideration, but who were not polygamists and had clean hands and clean consciences.

Other instances might be cited in which Mr. SMOOT has favored polygamy, but I challenge Senators to find one word in his testimony to the effect that he ever preached against polygamous cohabitation or has raised his voice or has set his face against it.

The conclusion of the whole matter is that in not a single case has Mr. SMOOT done one act or spoken one word in opposition to polygamy or polygamous cohabitation; but nearly every personal or official act of his, as brought to light by the testimony, has been in encouragement of polygamy and polygamous cohabitation. And all this apart from and in addition to the fact of his joining and associating with his fellow-members of the hierarchy, whose support and encouragement of polygamy and polygamous cohabitation is open and notorious. It is Mr. SMOOT's connection with this organization which makes him responsible for its acts.

I will insert here, with the permission of the Senate, the opinion of the courts of this country that this organization or organizations of this character are *criminal organizations*. I refer to the case of Davis *v.* Beeson, decided by the Supreme Court in 1889. The revised statutes of the State of Idaho provided that—

No person who is a member of any order, organization, or association which teaches, advises, counsels, or encourages its members, devotees, or any other person to commit the crime of bigamy, polygamy, or any other crime defined by law, either as a rite or ceremony of such order, organization, association, or otherwise, is permitted to vote at any election, or to hold any position or office of honor, trust, or profit within this Territory.

The Supreme Court upheld this provision as constitutional. It will be observed that this act disfranchises persons, not for the commission of the crime of polygamy, but upon the ground that they belong to an organization which "teaches, counsels, and encourages others to commit the crime of polygamy."

In the case of Wooley *v.* Watkins, Second Idaho Reports, the court say:

Orders, organizations, and associations, by whatever name they may be called, which teach, advise, counsel, or encourage the practice or commission of acts forbidden by law are criminal organizations. To become and continue to be members of such organizations or associations are such overt acts of recognition and participation as make them particeps criminis and as guilty in contemplation of criminal law as though they actually engaged in furthering their unlawful objects and purposes.

It is established beyond all controversy that a majority of the ruling authorities of the Utah Mormon Church are living in open polygamy, and thereby encouraging its practice, and many of them have taken plural wives since the manifesto, and that the Senator, as a member of such organization, is cognizant of these crimes and indifferent to their perpetration.

What more is needed? Is the Senate to say it will not exclude Mr. SMOOT because he has not himself taken a plural wife? Will it decide that he can countenance and encourage the commission of crimes, consort with and sustain criminals, and as an apostle, escape all responsibility therefor? When the president of this organization testified, as he did, that he had five wives and that he would continue to cohabit with them until his death, I have always been amazed that the Senator did not rise in his place and denounce him as an impostor and a violator of the law, and then and there sever his connection with such an unholy alliance.

Mr. President, in face of this testimony it may be a little difficult for the public to understand why it is that we close the gates of Castle Garden with one hand against incoming polygamists and with the other open wide the doors of the Senate to the admission of an apostle who stands for an organization which believes in polygamy and upholds polygamous cohabitation.

Some criticism has been passed upon the women of this country because they have ventured to exercise the right of petition guaranteed to every American citizen, of whatever sex, in which they have implored the Senate to realize the danger of admitting to its membership an apostle of this oligarchy, and to guard, by every constitutional means against its encroachment.

It is not true that they have petitioned that Mr. SMOOT shall be expelled because he is a polygamist. They have petitioned that he be expelled or rejected because he is the representative of an organization which continues, in defiance of all law, human and divine, to plot against the welfare of society and the sanctity of the home.

I know the members of this Senate too well to be persuaded that such appeals will swerve any Senator from his just conception of duty, but such petitions may be serviceable in directing attention to the importance of the higher issue and graver question and restrain us from being influenced by any personal or political consideration. That the women of the whole country should feel a keen interest in this matter is but natural, for they stand at the portals of every home, its guardian and de-

fender, and we will do well to remember in our places of pride and power that

> There is yet an auguster thing,
> Veiled though it be, than Parliament or King.

If Senator SMOOT, under all these circumstances, with his confessed connection with this criminal organization, is permitted to retain his membership in this body, then when he attends the next conference of his associates he can not only raise his hand and voice to sustain Joseph F. Smith and his confrères in crime, but he can convey to them the comforting assurance that the Senate of the United States has, by recorded vote, approved and sustained the promoters and defenders of this un-American, un-Christian, and unholy order. Let us hope that no such humiliation will come to the Republic.

Mr. NEWLANDS. Mr. President, I wish, in a few words, to give my position in this matter. I have arrived at a conclusion with some difficulty. I would be glad if my conscience and my judgment would permit me to vote for the retention of Mr. SMOOT as a member of this body. I have a high regard for Mr. SMOOT personally and, besides, personal interest would prompt me to vote for his retention. The Mormon Church is a strong political factor in a portion of Nevada, and the man who antagonizes that church takes his political life in his hands. But my conscience and judgment will not permit me so to vote. I do not believe that under the Constitution Mr. SMOOT can be excluded upon the facts in this case by a majority vote. I believe that a two-thirds vote is required, and I shall so act.

Mr. President, one of the central ideas of our Government is the separation of church and state. That is true of our National Government. That is true of our State governments. The union between church and state is accomplished when the state regulates and controls the church in spiritual matters. The union of church and state is as thoroughly accomplished when the church regulates and controls the state in temporal matters.

The charge which is made against the Mormon Church, leaving entirely out of consideration the question of its sanction of polygamy and polygamous practices, is that from its very organization under Brigham Young up to the present time it has sought to control and does control the State of Utah in temporal matters. That church is not merely a religious organization. It has in view not only the maintenance of spiritual belief, but the control of its members in temporal matters—in matters of business, of industry, of commerce, of social life, and of political action. It acts as a unit in these matters, and its priests control its policies. It fills out completely the definition of hierarchy—a form of government administered by the priesthood, a sacred body of rulers. Unlike any other church in the country, it has a oneness and completeness of organization in matters temporal as well as spiritual, created by the genius of Brigham Young. Mr. SMOOT is one of the high priests of this hierarchy, and the question is whether it is consistent with our institutions that this body of sacred rulers so potent in Utah shall be represented in the Senate by one of its members.

I shall vote for the exclusion of Mr. SMOOT, not because of any personal unfitness for the position which he holds, but because he is a high priest in a religious organization which believes in the union of church and state and which seeks to control the action of the state in temporal matters.

But not content with dominion in Utah, this church is reaching out for the control of other States adjoining. To-day it holds the balance of power in the State of Idaho. I believe that it holds the balance of power in the State of Wyoming.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. WARREN. I can not permit a statement of that kind to go without expressing my dissent from it.

Mr. NEWLANDS. My time is short, and I decline to yield.

The VICE-PRESIDENT. The Senator from Nevada declines to yield.

Mr. WARREN. I dissent from that statement and assert that the Mormon Church does not hold the balance of power in Wyoming, and there is no evidence that it seeks it.

Mr. NEWLANDS. The Mormon Church may soon hold the balance of power in the State of Nevada.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. I decline to yield, as I have only a moment in which to conclude. The Mormon Church may hold the balance of power in the State of Colorado. Its organization is complete and effective in the Territories of Arizona and New Mexico, which may become sovereign States. It is increasing in numbers and strength daily, not only by the birth of those born in the faith, but by the accession of numerous converts secured by a propaganda unceasing in its vigilance and energy. That church has elected one of its high priests, one of the sacred body controlling its policies, not only in matters spiritual, but in matters social, industrial, commercial, political, and governmental, a Senator of the United States, and later on there may be others.

The VICE-PRESIDENT rapped with his gavel.

Mr. HOPKINS. Mr. President——

Mr. NEWLANDS. I ask unanimous consent that I may go on for two minutes.

Mr. GALLINGER. I object.

Mr. KEAN. I call for the regular order.

The VICE-PRESIDENT. Under the unanimous-consent agreement the hour for debate has closed.

Mr. HOPKINS. I offer the following amendment to the resolution now pending before the Senate, and on the vote upon the adoption or rejection of the amendment I ask for the yeas and nays.

The VICE-PRESIDENT. The Senator from Illinois proposes an amendment, which will be read by the Secretary.

The SECRETARY. After the word "*Resolved*," in line 1, insert the words "(*two-thirds of the Senators present concurring therein*);" so that the resolution will read:

Resolved (*two-thirds of the Senators present concurring therein*), That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

The VICE-PRESIDENT. The Senator from Illinois demands the yeas and nays on the question, Will the Senate agree to the amendment?

Mr. CARMACK. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Tennessee will state his question of order.

Mr. CARMACK. Would it be in order for me to offer the amendment I have proposed as a substitute for the original resolution?

The VICE-PRESIDENT. Not until after amendments have been considered to perfect the original resolution. The first business in order is to perfect the resolution reported by the Senator from Michigan. The Senator from Illinois demands the yeas and nays upon his amendment to the resolution.

The yeas and nays were ordered.

Mr. CARMACK. I ask that the amendment be again read.

The Secretary again read Mr. HOPKINS's amendment.

The VICE-PRESIDENT. The Secretary will call the roll on agreement to the amendment of the Senator from Illinois.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On this general question, as well as all questions, I have a pair with the senior Senator from Alabama [Mr. MORGAN]. I am instructed by him to state that if he were present he would vote against the amendment suggested by the Senator from Illinois, and also in favor of the resolution. Being paired with him, I withhold my vote.

Mr. CARTER (when his name was called). On this question, as on all phases of the question, I am paired with the junior Senator from Colorado [Mr. PATTERSON]. If he were present he would vote "nay" and I would vote "yea" on the pending question.

Mr. DEPEW (when his name was called). I have a general pair, covering all questions, with the Senator from Louisiana [Mr. MCENERY]. I transfer that pair to my colleague [Mr. PLATT] and vote "yea."

Mr. ELKINS (when his name was called). I have a general pair with the junior Senator from Texas [Mr. BAILEY]. If he were present, I should vote "yea."

Mr. MCCUMBER (when his name was called). I am paired with the junior Senator from Louisiana [Mr. FOSTER]. That Senator before leaving discussed with me this question and the phases that might arise, and it was his agreement that I should vote my own convictions upon this matter. I vote "yea."

Mr. TALIAFERRO (when Mr. MALLORY's name was called). My colleague [Mr. MALLORY] is unavoidably detained from the Senate. He has a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If my colleague were present, he would vote to expel REED SMOOT, but he would not vote to remove him from the Senate by a majority vote. He requests me to make this statement.

Mr. DANIEL (when Mr. MARTIN'S name was called). I desire to state that my colleague [Mr. MARTIN] is paired with the Senator from Illinois [Mr. CULLOM].

Mr. PROCTOR (when his name was called). I have a general pair with the senior Senator from Florida [Mr. MALLORY]. However, under the statement made by his colleague, that if he were present he would vote "yea" upon this question, I will

vote. I vote "yea." I will announce now, in advance, that on the main question I will recognize my pair and withhold my vote.

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I would vote "nay."

Mr. RAYNER (when Mr. WHYTE's name was called). My colleague [Mr. WHYTE] is unavoidably detained. He is paired with the Senator from Colorado [Mr. TELLER]. If my colleague were present and not paired, he would vote against the present amendment and in favor of the original resolution unseating the Senator from Utah.

Mr. BLACKBURN. I desire to state that the senior Senator from Colorado [Mr. TELLER] is detained from the Chamber by serious sickness.

Mr. KEAN. I desire to announce that my colleague [Mr. DRYDEN] is paired with the Senator from Louisiana [Mr. FOSTER].

The result was announced—yeas 49, nays 22, as follows:

YEAS—49.

Aldrich	Clark, Wyo.	Heyburn	Penrose
Allee	Crane	Hopkins	Perkins
Ankeny	Daniel	Kean	Piles
Bacon	Depew	Knox	Proctor
Beveridge	Dick	Lodge	Spooner
Blackburn	Dillingham	McCreary	Stone
Brandegee	Dolliver	McCumber	Sutherland
Bulkeley	Flint	Millard	Tillman
Burkett	Foraker	Mulkey	Warner
Burnham	Frye	Nelson	Warren
Carmack	Fulton	Newlands	
Clapp	Gallinger	Nixon	
Clark, Mont	Gamble	Overman	

NAYS—22.

Berry	Dubois	Kittredge	Pettus
Burrows	Du Pont	La Follette	Rayner
Clarke, Ark	Frazier	Latimer	Simmons
Clay	Hale	Long	Smith
Culberson	Hansbrough	McLaurin	
Curtis	Hemenway	Money	

NOT VOTING—19.

Allison	Elkins	Morgan	Taliaferro
Bailey	Foster	Patterson	Teller
Carter	McEnery	Platt	Wetmore
Cullom	Mallory	Scott	Whyte
Dryden	Martin	Smoot	

So Mr. HOPKINS's amendment was agreed to.

Mr. CARMACK. Mr. President, I offer the substitute which I send to the desk.

The VICE-PRESIDENT. The Senator from Tennessee proposes an amendment in the nature of a substitute, which will be read by the Secretary.

The Secretary read as follows:

Resolved, That REED SMOOT, a Senator from Utah, be expelled from the Senate of the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Tennessee [Mr. CARMACK].

Mr. DUBOIS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On this question I am paired with the senior Senator from Alabama [Mr. MORGAN]. If he were present, he would vote "yea," and I should vote "nay."

Mr. HOPKINS (when Mr. CULLOM's name was called). My colleague [Mr. CULLOM] is unavoidably detained from the Senate to-day. He is paired with the junior Senator from Virginia [Mr. MARTIN]. If he were present, he would vote "nay" on this question.

Mr. DEPEW (when his name was called). I transfer my pair with the Senator from Louisiana [Mr. MCENERY], as before, and vote. I vote "nay."

Mr. ELKINS (when his name was called). I am paired with the Senator from Texas [Mr. BAILEY].

Mr. PETTUS (when Mr. MORGAN's name was called). The Senator from Alabama [Mr. MORGAN] is confined to his home, being unwell. He is paired with the Senator from Iowa [Mr. ALLISON]. If my colleague were present, he would vote "yea."

Mr. TALIAFERRO (when his name was called). I again announce my pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I should vote "yea."

Mr. SPOONER (when Mr. TELLER's name was called). I have been requested to announce that if the Senator from Colorado [Mr. TELLER] were present, he would vote "nay."

The roll call having been concluded, the result was announced—yeas 27, nays 43, as follows:

YEAS—27.

Bacon	Carmack	Clay	Frazier
Berry	Clapp	Culberson	Hale
Burrows	Clarke, Ark.	Dubois	Hansbrough
Hemenway	McCreary	Overman	Smith
Kittredge	McLaurin	Pettus	Stone
La Follette	Money	Rayner	Tillman
Latimer	Newlands	Simmons	

NAYS—43.

Aldrich	Crane	Fulton	Mulkey
Allee	Curtis	Gallinger	Nelson
Ankeny	Daniel	Gamble	Nixon
Beveridge	Depew	Heyburn	Penrose
Blackburn	Dick	Hopkins	Perkins
Brandegee	Dillingham	Kean	Piles
Bulkeley	Dolliver	Knox	Spooner
Burkett	Du Pont	Lodge	Sutherland
Burnham	Flint	Long	Warner
Clark, Mont.	Foraker	McCumber	Warren
Clark, Wyo.	Frye	Millard	

NOT VOTING—20.

Allison	Elkins	Morgan	Smoot
Bailey	Foster	Patterson	Taliaferro
Carter	McEnery	Platt	Teller
Cullom	Mallory	Proctor	Wetmore
Dryden	Martin	Scott	Whyte

So Mr. CARMACK's amendment was rejected.

The VICE-PRESIDENT. The question recurs on the resolution of the Senator from Michigan [Mr. BURROWS] as amended by the amendment submitted by the Senator from Illinois [Mr. HOPKINS].

Mr. BURROWS. Let the resolution as amended be stated, Mr. President.

The VICE-PRESIDENT. The Secretary will read the resolution, as requested.

The Secretary read as follows:

Resolved (two-thirds of the Senators present concurring therein), That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

Mr. BACON. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I repeat that upon this question I am paired with the senior Senator from Alabama [Mr. MORGAN]. If he were present, he would vote "yea" and I should vote "nay."

Mr. CARTER (when his name was called). I again announce my pair with the Senator from Colorado [Mr. PATTERSON]. If the Senator from Colorado were present, he would vote "yea" and I should vote "nay."

Mr. HOPKINS (when Mr. CULLOM's name was called). My colleague [Mr. CULLOM] is unavoidably detained from the Senate to-day. He is paired with the Senator from Virginia [Mr. MARTIN]. If present, on this resolution as amended my colleague would vote "nay."

Mr. DEPEW (when his name was called). I am paired with the Senator from Louisiana [Mr. MCENERY]. I transfer that pair to my colleague [Mr. PLATT] and vote. I vote "nay."

Mr. ELKINS (when his name was called). I again announce my pair with the Senator from Texas [Mr. BAILEY].

Mr. DEPEW (when Mr. PLATT's name was called). My colleague [Mr. PLATT] is unavoidably detained from the Senate. If he were present, he would vote "nay."

Mr. PROCTOR (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. MALLORY]. If he were present, I should vote "nay."

Mr. TALIAFERRO (when his name was called). I again announce my pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I should vote "yea."

Mr. SPOONER (when Mr. TELLER's name was called). I have been requested to state that if the Senator from Colorado [Mr. TELLER] were present, he would vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 42, as follows:

YEAS—28.

Bacon	Culberson	Kittredge	Overman
Berry	Dubois	La Follette	Pettus
Burrows	Du Pont	Latimer	Rayner
Carmack	Frazier	McCreary	Simmons
Clapp	Hale	McLaurin	Smith
Clarke, Ark.	Hansbrough	Money	Stone
Clay	Hemenway	Newlands	Tillman

NAYS—42.

Aldrich	Crane	Gallinger	Nelson
Allee	Curtis	Gamble	Nixon
Ankeny	Daniel	Heyburn	Penrose
Beveridge	Depew	Hopkins	Perkins
Blackburn	Dick	Kean	Piles
Brandegee	Dillingham	Knox	Spooner
Bulkeley	Dolliver	Lodge	Sutherland
Burkett	Flint	Long	Warner
Burnham	Foraker	McCumber	Warren
Clark, Mont.	Frye	Millard	
Clark, Wyo.	Fulton	Mulkey	

NOT VOTING—20.

Allison	Elkins	Morgan	Smoot
Bailey	Foster	Patterson	Taliaferro
Carter	McEnery	Platt	Teller
Cullom	Mallory	Proctor	Wetmore
Dryden	Martin	Scott	Whyte

So the resolution was rejected, two-thirds of the Senators present not voting therefor.

RECESS.

Mr. HALE. Mr. President, I ask unanimous consent that at 6 o'clock the Senate take a recess until quarter after 8.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that at 6 o'clock the Senate take a recess until quarter after 8. Is there objection?

Mr. BACON. I should like the Senator in order that we may——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. I do.

Mr. BACON. I should like to inquire of the Senator from Maine, in order that we may know what is intended, if there is any special order which the Senator proposes shall be taken up at the evening session?

Mr. HALE. We are going on with appropriation bills.

Mr. BACON. With the agricultural appropriation bill?

Mr. HALE. Yes.

Mr. BACON. I simply want to know if the Senator from Maine is willing that the evening session shall be limited to that?

Mr. HALE. No; because we may get through with that and take up another appropriation bill.

Mr. BACON. I only wanted to know what is proposed by the order.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. I am directed by the Committee on Pensions to report an amendment in the nature of a substitute for the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes, which I reported with amendments on the 14th instant. I ask that the substitute may be printed.

The VICE-PRESIDENT. It is so ordered.

EXECUTIVE SESSION.

Mr. BACON. Mr. President——

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. BACON. Before the Senator's motion is put, I wish to make an inquiry.

The VICE-PRESIDENT. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

CURRENCY LEGISLATION.

Mr. ALDRICH. I ask the Senate, by unanimous consent, to take up the bill (H. R. 13566) to amend sections 6 and 12 of the currency act approved March 14, 1900.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island for unanimous consent for the present consideration of the bill indicated by him?

Mr. CULBERSON. I might as well object to the present consideration of the bill now as later.

Mr. ALDRICH. I move, then, that the Senate proceed to the consideration of the bill.

Mr. CULBERSON. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Texas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Aldrich	Clark, Mont.	Gallinger	Nelson
Allison	Clark, Wyo.	Gamble	Newlands
Ankeny	Clay	Hale	Overman
Bacon	Crane	Hemenway	Penrose
Berry	Culberson	Heyburn	Pettus
Beveridge	Daniel	Kean	Piles
Blackburn	Depew	Kittredge	Rayner
Brandegee	Dick	La Follette	Simmons
Bulkeley	Dillingham	Lodge	Smith
Burkett	Flint	Long	Smoot
Burnham	Foraker	McCreary	Spooner
Carmack	Frazier	McCumber	Warner
Carter	Frye	McLaurin	Warren
Clapp	Fulton	Millard	

The VICE-PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present. The question is on agreeing to the motion of the Senator from Rhode Island to proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 13566) to amend sections 6 and 12 of the currency act approved March 14, 1900.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. NELSON. Mr. President——

Mr. ALDRICH. I suggest to the Senator from Minnesota that there are several committee amendments, to which I think there will be no objection, and I ask that they be taken up and disposed of before section 3 is reached.

Mr. NELSON. Before section 3 is reached?

Mr. ALDRICH. Yes.

The first amendment of the Committee on Finance was, on page 1, line 13, to strike out "five" and insert "ten" so as to make the section read:

That section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, be, and the same is hereby, amended to read as follows:

"SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than $20, and to issue gold certificates therefor in denominations of not less than $10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000 the authority to issue certificates as herein provided shall be suspended: *And provided further*, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denomination of $50 or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of $10,000, payable to order. And section 5193 of the Revised Statutes of the United States is hereby repealed."

The amendment was agreed to.

The next amendment was to strike out section 2 and to insert in lieu thereof the following:

SEC. 2. That whenever and so long as the outstanding silver certificates of the denominations of $1, $2, and $5, issued under the provisions of section 7 of an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900, shall be, in the opinion of the Secretary of the Treasury, insufficient to meet the public demand therefor, he is hereby authorized to issue United States notes of the denominations of $1, $2, and $5, and upon the issue of United States notes of such denominations an equal amount of United States notes of higher denominations shall be retired and canceled: *Provided, however*, That the aggregate amount of United States notes at any time outstanding shall remain as at present fixed by law: *And provided further*, That nothing in this act shall be construed as affecting the right of any national bank to issue one-third in amount of its circulating notes of the denomination of $5, as now provided by law.

Mr. BERRY. I should like to have the Senator from Rhode Island tell the Senate something about what this bill means. As it has been read hurriedly, it is impossible to understand it. I should like to know, also, if it is the unanimous report of the Committee on Finance.

Mr. ALDRICH. It is. This section provides for the issue of one, two, and five dollar United States notes whenever the supply of silver certificates of those denominations is insufficient to meet the public demand. The act of 1900, known as the "gold-standard act," prohibited the issue of all notes of the denomination of ones and twos, except silver certificates. The supply of silver certificates of ones and twos is not equal to the demand, and there is a large and insistent public demand for notes of these denominations, which can not be supplied at the present time by the issue of silver certificates.

This bill proposes that whenever and so long as the supply of these denominations of silver certificates is insufficient the Secretary of the Treasury may issue ones, twos, and fives of United States notes, and United States notes of larger denominations to an equal amount are to be retired. The total amount of United States notes outstanding is to remain as now fixed by law.

Mr. BERRY. I should like to ask the Senator a question. Is the effect of it to reduce the amount of silver or silver certificates now in circulation?

Mr. ALDRICH. Not to the extent of one dollar.

Mr. BERRY. The Treasury has been in the habit, has it not, of purchasing silver for minor coins? Does it stop that?

Mr. ALDRICH. For subsidiary coins, no. This does not affect that question at all. It simply provides for a supply of one and two dollar notes to answer the public demands.

Mr. BERRY. Does it increase the amount of the currency?

Mr. ALDRICH. It does not increase or diminish the amount of currency. It merely changes the denominations of notes to meet a public demand.

Mr. NEWLANDS. May I ask the Senator from Rhode Island a question?

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Nevada?

Mr. ALDRICH. I do.

Mr. NEWLANDS. What is the purpose of making this change? As I understand, the law provides that United States notes shall be issued in denominations of not less than $5. Is that the case?

Mr. ALDRICH. Ten dollars.

Mr. NEWLANDS. Not less than $10. And the purpose of the bill is to permit United States notes to be issued in denominations of $5 and less?

Mr. ALDRICH. The present law permits the issue of ones and twos in silver certificates only; the purpose of this provision being to keep out as large an amount of silver certificates in the small notes as possible. It is impossible for the Secretary at the present time to meet the demands for ones and twos by the further issue of silver certificates. The total amount of silver certificates now outstanding is $476,000,000, of which $450,000,000 is in denominations of ones, twos, and fives. The parties holding the larger certificates do not present them to the Treasury for redemption or exchange and, therefore, there is no source from which the Secretary of the Treasury can provide a further issue of ones and twos.

Mr. NEWLANDS. May I ask the Senator who are the minority members of the Committee on Finance?

Mr. ALDRICH. The minority members are the Senator from Colorado [Mr. TELLER], the Senator from Virginia [Mr. DANIEL], the Senator from Texas [Mr. BAILEY], the Senator from Mississippi [Mr. MONEY], and the Senator from Florida [Mr. TALIAFERRO].

Mr. NEWLANDS. Do I understand that the Senator from Virginia and the Senator from Florida agree to this measure?

Mr. ALDRICH. The Senator from Virginia and the Senator from Florida were present when the bill was considered and consented to its provisions.

Mr. CLAY. Let me ask the Senator what changes were made in regard to making national banking associations depositories?

Mr. ALDRICH. That is provided for in the third section, which has not yet been reached. The only change made in that section from existing law is to provide that customs receipts may be deposited in banks the same as internal-revenue receipts are, the only change being to strike out the words "except customs receipts," which are contained in the present law. That section is not at present under consideration.

Mr. CLAY. That is on page 6.

Mr. ALDRICH. Yes; it is the third section.

Mr. NELSON. I desire to say to the Senator from Georgia that I have an amendment in the nature of a substitute for the third section of the bill, which I shall offer, for the purpose of requiring the banks to pay some interest on the deposits.

Mr. CLAY. I think the Senator is correct, for it strikes me that in most of the States—in a great many States, I know—on State deposits interest is paid.

Mr. DANIEL. Mr. President, the Senator from Rhode Island has explained that this is simply a provision which does not change in any respect the now existing law on the subject of silver currency. Neither does it affect in the provision just being discussed the greenback currency, except to allow it to be broken into smaller notes.

Mr. HALE. That is it exactly.

Mr. DANIEL. There has been great demand all over this country for more currency of the smaller denominations. There were four ways in which it was suggested it might be accomplished. One was by allowing the gold certificates to be broken up into smaller particles. But gold was getting on well and flowing into the country under the present arrangement, and in breaking it up into such smaller particles it might be brought in conflict with the arrangements made to sustain the value of silver and greenbacks and national-bank currency, and it was thought best to let it stand as it is.

Another suggestion considered was with respect to breaking up national-bank notes and requiring the national banks to issue them in smaller denominations. This was objected to by the banks as entailing upon them an additional expense. Having their currency now predicated upon bonds which bear a very small interest, and the present establishment being a success in point of currency, it was deemed best not to disturb the existing status on that subject further than to provide as is done in this section—

That nothing in this act shall be construed as affecting the right of any national bank to issue one-third in amount of its circulating notes of the denomination of $5, as now provided by law.

In the next place, it was considered whether it would not be better to provide that the Secretary of the Treasury be required to purchase more silver bullion, and to issue that in small notes. As might be supposed, Mr. President, that might bring up a discussion of the silver question again, and it was thought best—at least by a majority of the committee it was the prevailing sense—that the existing status of the law on silver should not be disturbed.

I do not suppose that there are many people in this country who have studied the subject of finance who believe that some increase of the silver currency as represented by certificates, and by certificates in small denominations, would at all disturb the parity of all our coins, which is a subject of primary consideration; but there are a great many persons who are sensitive, and, as it seems, supersensitive, about the word "silver." I am not one of them, and even those who are sensitive, when they exercise their own ratiocination, soon have their qualms allayed.

They remind me very much of a person of whom I heard on one occasion who was asked the question, "Do you believe in ghosts?" He was a little superstitious and answered, "Oh, no; I do not believe in ghosts, but I am afraid of them." [Laughter.] So while nobody of the rigid and extreme gold school of finance is afraid there is going to be any silver revolution or any pressure of any alarming scheme respecting silver in this country, they are a little afraid of it, or they are afraid that somebody else is afraid of it, and their fears that somebody else may be afraid of it seem to prevail in their views on that topic.

Now, passing by these three branches of our currency, there was the greenback currency. That rests upon nothing but its receivability for taxes, its receivability for debt, and the promise of the United States. Intrinsically it has no more value than the paper match with which one lights his cigar. It is in the air, by itself, if you separate from it the faculties which law has imparted to it and the promise of the United States.

It seemed best to me, in the situation in which we are placed, to give this authority for that greenback currency to be broken up into smaller parcels. It can not possibly weaken it, though it needs no strengthening, and it is the most convenient method of handling that topic in my humble judgment. Therefore, on this question I concurred with the committee, and I can see no substantial or tenable ground of opposition.

I will state, however, I would have preferred that we might have extended the use of silver, of which this country is so great a producer, and about which I have never felt the alarm which has so pervaded the minds of other gentlemen.

Like the Senator from Massachusetts [Mr. LODGE] on yesterday, who claimed the right to be heard for a few moments because he had not spoken on that day, I wish here to state a fact respecting the controversy on the subject of silver which to all persons is not known. I have never believed for a moment that this country ought ever to tolerate currencies of a different character which were not maintained by the Government of the United States at par with each other. It would be an infinite misfortune to the masses of the people to have a currency made of one substance which was of a certain value and another currency made of another substance which was of a different value. In the Democratic national convention of 1896, in which I had the honor to be an advocate of the free coinage of silver, it was concurred in by the gentlemen who were framing the declaration of the party on that subject that the United States ought to guarantee, and would guarantee through Democratic agencies if it had the opportunity to exercise them, the absolute parity of all its coins at all times and anywhere.

It was believed that but for the discrimination which this Government made against silver, and with the powerful impetus it would give to its increased valuation by such laws as we had when the two currencies were established, it would soon restore itself; but if it did not, and in view of the possibility that it might not, the leading men of the Democratic party, with every expectation and confidence, give, I might say, assurance that they would be sustained, were in favor of that proposition, and the platform was framed to contain that idea, which was so unhappily expressed that although not grammatically capable of but one construction it soon fell in the hands of the interpreters and was interpreted away.

Now, Mr. President, I wish to say while I am on my feet a few words about section 9 of this act. I approve the residue of the bill, but I deem it to be appropriate to call attention to

one clause of section 9, as to which I notified the committee that I would maintain my freedom to make any suggestion on the subject that might seem appropriate. It is provided in the bill that not more than $9,000,000 of national bank currency shall be withdrawn within a month. On page 7, in section 9, this idea is expressed in these words:

Provided, That not more than $9,000,000 of lawful money shall be deposited during any calendar month for this purpose: *And provided further*, That the provisions of this section shall not apply to bonds called for redemption by the Secretary of the Treasury, nor to withdrawal of circulating notes in consequence thereof.

That refers to the sum of money that may be deposited for redemption and retirement. Under the law as it now exists but $3,000,000 of such money can be retired. It is claimed that at the time that law was passed $3,000,000 per month bore the same relation to the aggregate of our currency that $9,000,000 bears now, and for that reason it was asked and urged that we might safely allow as much as $9,000,000 per month to be withdrawn.

Another reason assigned was that in the summer time, between the seasons when the greatest business of the country is conducted, there is a time when money accumulates in banks; and if there is not some retirement of it it would create an influx of money into the banks of the great cities, that it would tend to stimulate speculation, and that when in the autumn crops had to be moved a stringency would be brought about by the reason of the speculative tendencies created in the summer.

As a suggestion to be considered at the same time there is this reflection in my own mind: The banks themselves are not altogether disinclined to a little speculation if a favorable opportunity arises to suggest it. In the summer, when money is accumulating in them, they may find it more profitable to redeem their bonds and sell them again, and attempt to do that.

I do not claim to be an expert financier; I do not claim to be familiar with the courses of trade in the great cities, or with the accidents and incidents and tendencies of stock and other markets, but I do know this fundamental principle which has been impressed upon our minds in nearly all the courses of our financial development, and especially amidst its perturbations, that whenever you withdraw considerable amounts of currency from the mass of the circulation of a country you tend instantly to diminish prices.

I know, furthermore, that whenever there is a tendency to the diminution of prices there is a tendency of alarm and a tendency in the mind of the prudent financier to reef his sails. The bulls and the bears of the stock exchange play upon the feelings of the people, who can not be as familiar with what is going on behind the scenes as they are, and if we authorize them to control in any large degree the contraction of the currency of the country, and if they may combine together to do that and to advertise that, and to play upon that, they have a certain very great power with reference to the prices of commodities in the land.

A very valuable addendum has been put to this section by the committee, one that leaves it less open to criticism than possibly it might otherwise be. It is required that this withdrawal shall be subject to the approval of two persons. The first is the Secretary of the Treasury and the second is the Comptroller of the Currency. So the tendency to contraction and the ability of the bank to contract is checked and guarded by both the Secretary of the Treasury and the Comptroller of the Currency.

I wish that there were here other members of the Finance Committee, who represent the same general view that I do. I wish also that I had better information concerning such a topic as is brought to reflection by a provision of this sort. I have only attempted to state the case as it is, rather hoping that we would not enlarge the sum of money that might be contracted in a market.

Mr. BERRY. Mr. President, I understood either from the Senator from Virginia or the Senator from Rhode Island that there is also a provision in the bill which provides for the deposit of money received from customs duties, while the present law only authorizes the deposit of internal-revenue taxes. Is that correct?

Mr. DANIEL. That is correct.

Mr. BERRY. Why is that?

Mr. DANIEL. The chairman of the committee will explain it.

Mr. BERRY. I wish to state, before the chairman answers, that if I remember correctly this same proposition came before the Senate some five or six years ago, brought here by the Senator from Rhode Island. It had other features in it in regard to certain municipal and railroad and other kinds of bonds, I think.

Mr. DANIEL. The Senator is not referring to the pending bill as containing such a provision?

Mr. BERRY. No; the bill of five or six years ago, which had the same provision in it in regard to customs duties. Objection was made to it and it died. It was never passed, and I think the killing of it was very generally approved by the country, so far as I could get information on the subject. That was the case at least in my section. I should like to know something about the object and purpose of that bill.

Mr. ALDRICH. I think the Senator from Arkansas was entitled to the credit of having killed it, because the bill was considered near the close of the session. I have no doubt that his action at that time had his approval, but I never discovered that anywhere else in the country the Senator's action was approved.

Mr. BERRY. I will say to the Senator that my action had the universal approval of the people down in the southern part of the country. I happen know, for the matter has been under recent discussion in some localities. The Senator is very much mistaken if he thinks it did not have the approval of anybody else, because I distinctly remember when I talked to Democratic members of the Finance Committee, one of whom was the Senator from Virginia, they came in and aided me very materially.

Mr. ALDRICH. The objection which was then made to the provision reported by the committee was that the committee undertook to change the law as to the character of the securities that were deposited and that it provided for the payment of interest upon the deposits. The bill as now reported by the committee simply provides that customs receipts may, in the option of the Secretary of the Treasury, be deposited in national depositories, the same as internal-revenue receipts are now deposited.

That principle has received the approval of committees of both Houses. It is the subject of several bills that have been presented in both Houses at this session, and, so far as I know, there is no objection to it on the part of thoughtful men in any section of the United States. I think it is a provision that has practically universal approval.

I can see no reason—and I think the Senator from Arkansas on consideration will not be able to discover a reason—why receipts from customs should be locked up in the Treasury of the United States, reducing the amount of the outstanding currency and congesting business in every section of the country with resulting ills.

This law was enacted in 1864, when it was necessary that customs receipts should be paid in gold and kept by the Government to maintain the credit of the Government and to pay the interest upon Government bonds then outstanding, and the interest on which, by their terms, was payable in gold. Conditions have entirely changed, and I know of no reason of any kind why the Secretary of the Treasury should be compelled to take the money which is paid into the United States Treasury and lock it up and prevent its legitimate use in the channels of trade.

If any banker should undertake to do this persistently, the Senator from Arkansas would insist that this locking up should be considered a misdemeanor or punished as a crime. The people who believe with him generally as to the amount of currency that should be in circulation have proclaimed their unalterable opposition to any action which contracts the amount of the currency in the country or restricts its circulation.

If the Senator from Arkansas had his way, I assume he would take the whole $150,000,000 in the Treasury, plus another $150,000,000 which is now in the national banks, and keep it all locked up in the United States Treasury forever. For what purpose? For the security of the Government funds? No. What earthly purpose can then be subserved by a practice which is contrary to that of every country in the world and which can serve no useful purpose here?

Mr. BERRY. Mr. President, if the Senator from Arkansas had his way, he would reduce the amount of taxes so that this great surplus would not be collected year by year to be deposited either in the Treasury or in national banks. The Senator from Rhode Island says there is no good reason for keeping these funds in the Treasury or subtreasury. Can he tell me any good reason why the money belonging to this Government should be handed over to the national banks for them to loan it out at interest and put the interest into their own pockets? That is what he calls "circulating the money of the people"—that these banks shall take this money free of charge. In the other bill which the Senator reported he proposed to require interest to be paid on Government deposits. I believe there is no such proposition in this bill that is now proposed.

Mr. NELSON. Mr. President, I will say to the Senator that I intend to offer such an amendment.

Mr. BERRY. I will see about the amendment when we get to it. The Senator from Rhode Island says that he is in favor of this bill because it will tend to expand the currency.

Mr. ALDRICH. I beg the Senator's pardon——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. BERRY. Certainly.

Mr. ALDRICH. I beg the Senator's pardon; I made no such statement.

Mr. BERRY. I surely understood the Senator to say that if it were deposited in the banks it would tend to contract the currency, to which he and all others are opposed.

Mr. ALDRICH. No; I said to lock it up in the Treasury would have the inevitable effect of contracting the currency, and I object to that.

Mr. BERRY. That is what I thought the Senator said.

Mr. ALDRICH. No; the Senator made a statement which was the converse of that, that I was in favor of expanding the currency.

Mr. BERRY. I said the Senator was very much opposed to contracting the currency, as I understood; or, you can put it the other way, and say that by loaning money out it would expand the currency that much. I presume that is the Senator's idea by putting it in the banks.

Mr. ALDRICH. It would not expand the currency, but it would return promptly the money to the channels of trade which is taken for taxes and for other purposes from the people of the United States.

Mr. BERRY. Then, you propose to give it to certain favored individuals to loan out to people free of charge in order that they may thereby make a profit on it. I repeat, Mr. President, that I can not understand how it can be advocated that it is the duty of this Government to take money in its Treasury and give it to the banks free of charge, and let them loan it to citizens, and, of course, take the profits in the shape of the interest which is paid upon it.

So far as I am concerned, Mr. President, I am opposed to repealing any law which now prohibits the deposit of this money in the national banks. Under the present law, as I understand, all taxes received from internal revenue can be deposited. Customs duties can not. Our friend from Rhode Island claims that there is a wonderful degree of prosperity all over the country under the present system. I can not see any reason, Mr. President, why he should insist on changing it in this regard. I am opposed to the bill. I was opposed to it years ago, and am opposed to it still.

Mr. NELSON. Mr. President, I desire to ask the chairman of the committee who reported this bill what is the purpose of the second proviso, on page 2? As I understand, under existing law the fund for the redemption of greenbacks is $150,000,000. The first proviso reads:

Provided, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000 the authority to issue certificates as herein provided shall be suspended.

Is it the object to reduce that redemption fund from $150,000,000 to $100,000,000?

Mr. ALDRICH. Section 6 of the existing law—the gold-standard act of 1900—is reenacted by this provision precisely word for word, except at the end of the thirteenth line, on the first page, the word "twenty" is changed. The word "twenty" in the present law was changed in the House to "five" and amended by the Senate committee to "ten."

Mr. NELSON. What line is that? I have not got the last print.

Mr. ALDRICH. Line 13 of the first page. In every other respect this section reenacts in precise language the existing law. The proviso to which the Senator refers is in the existing law, in the act of 1900, precisely as it is here.

Mr. NELSON. But are all the following provisos?

Mr. ALDRICH. All the provisos—every one in that section—is exactly the same as the provision of the existing law.

Mr. NELSON. The only change, then, is in line 13?

Mr. ALDRICH. The denomination of the notes, which now are $20, was changed by the House to "five" and by the Senate committee to "ten."

Mr. OVERMAN. Mr. President, I should like to ask the Senator from Rhode Island, for information, a question. The last paragraph of section 3 provides:

And every association so designated as receiver or depository of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks.

I do not understand what the words "for loans or stocks" mean.

Mr. ALDRICH. Mr. President, the proposed section 3 is identical with section 5153 of the Revised Statutes, with the omission of the words "except customs receipts." The provision to which the Senator calls the attention of the Senate is the precise language of section 5153 of the Revised Statutes. Those words he refers to are now in the existing law and were put there, I think, some time during the late war.

Mr. OVERMAN. I wanted to know what was meant by "loans or stocks." I did not know that the Government loaned money on stocks. If there is no use for the language here, why not strike it out?

Mr. ALDRICH. They were paid into the Treasury for Government loans by the parties who secured the loans, and the word "stocks" as used here is equivalent to bonds. This word "stocks" is in all the earlier legislation and is used instead of bonds. It has been used in our financial legislation for more than a century. It means in this connection what it has meant in all the prior laws—simply bonds.

Mr. BACON. Mr. President, I just want to say a word with reference to sections 1 and 2 of this bill. I am not familiar with the matters contained in sections 3 and 4, about which Senators have been discussing; but as to sections 1 and 2, which contain provisions relating to the issuance of notes of small denominations, it is a matter of extreme importance and of very great interest to the people of the section from which I come. There is a very great dearth of notes of small denominations there, and the business transactions of the country are very greatly embarrassed by the fact.

I was very much more familiar with the details of this matter last spring than I now am, from the fact that I had communications sent to me by numerous bankers in the South, in my State, and also by the Southern Bankers' Association, which met in Atlanta some time last spring, and which passed resolutions asking for this particular legislation. I conferred at the time with the Senator from Rhode Island [Mr. ALDRICH] on the subject and showed him the papers which had been sent to me.

Heretofore the demand for money in smaller denominations has largely been met by the shipment of silver dollars throughout the South, by the Government shipping it and paying the express charges, which enabled the bankers to get that class of money without expense to them. But that arrangement has been changed, so that the Government no longer pays the express charges upon the silver, and so imposes a burden upon the banks which they are unwilling to bear. It was in consequence of that that they urged such a change in the law as would permit the issuance of smaller denominations of bills, the express charges upon silver being so great.

In consequence of the embarrassment and of what the officers of banks had written to me on the subject, I went to see the Secretary of the Treasury to see what possible relief could be given by the Treasury Department in exchanging smaller notes or notes of smaller denominations for notes of larger denominations. I was told by the Secretary that under the law and regulations it was impossible for the Department to send these smaller denominations of notes, except where banks had accumulated ragged or unpassable money, if I may use such a term, and returned it to the Treasury Department, and they were authorized to send smaller denominations in exchange.

The national banks have, it is true, the liberty under the law of issuing small notes, of which they have not taken full advantage, but the reason they have not taken such advantage is that if they should do so the other money of five and ten dollar denominations, which they need, will be less in supply than their demand requires. Therefore, before they could do that it was necessary, or deemed necessary at least by them, that the Government should reduce the denomination of gold certificates, as is done in this bill, providing for the issuance of $10 notes, which they have not now the privilege of doing, and in that way supply bills of that denomination to an extent which would enable the national banks to go further and issue smaller denominations of equal amount in the aggregate. This provision, which authorizes the issuance of smaller denominations of greenbacks, as I understand, is in furtherance of that object; and I think I am fully justified in saying that so far as the banks of the South are concerned it is of the utmost importance that the two provisions of this bill contained in sections 1 and 2 should be enacted into law. I am not sufficiently familiar with the general subject to pass upon the question as to the matters contained in sections 3 and 4; but as to sections 1 and 2 I think it is of the utmost importance to every section of the country that they be enacted into law.

Mr. DANIEL. Mr. President, I do not know that attention has been called to the fact that when the exception of customs receipts was made with respect to the deposits in banks they were payable in gold, and the original idea requiring that they should be paid in gold came about in the time when this country

was issuing paper money and desired to have gold for its redemption and for extraordinary and emergent purposes, which do not repeat themselves in our time.

Section 5153 of the Revised Statutes, which is embodied in section 3 of this bill, simply omits the terms respecting the customs dues that were formerly embodied. To preserve them now apart, as heretofore, and as a particular or sacred fund for a certain purpose, would be an anachronism, and would perpetuate a provision in our statutes when the reason of it had ceased to be.

So I would say to my friend from Arkansas [Mr. BERRY] that there is no reason for retaining them, unless it be the purpose to prevent the deposit of any currency in the banks. Like him, I would very much prefer to see our taxes reduced, but I do not see a very instant prospect of doing so.

Mr. HALE. It is rather the other way.

Mr. DANIEL. Yes. Having a condition to deal with, I like to deal with it in the spirit of that dispensation which remembers the shorn lamb and tempers the wind to it so far as it may. If we are going to take these large sums of money, taken from the public purse, all the outlets by which that purse could percolate them back into the social system are for the benefit of the whole people.

It is true that the banks are an intermediate agency; it is also true that if we did not have these intermediate agencies we would probably have no intermediate agencies. Some regard them as necessary evils. There is nothing in this world that I yet have been enabled to discover, unless it were the Democratic platform during a period of the session of a convention while it was in an enthusiastic mood, that had nothing but good in it. Most things have some good and some evil in them. There are evils in banks, probably due to the fact that they are run by people who have a good deal of human nature in them. Is it good policy to do anything to congest any portion of our currency anywhere? I think not; and this provision is against the tendency of the congestion of a portion of the currency.

The VICE-PRESIDENT. The question is on agreeing to the pending amendment.

The amendment was agreed to.

The next amendment of the Committee on Finance was to insert as a new section the following:

SEC. 3. That section 5153 of the Revised Statutes be amended to read as follows:

"SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government: and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks."

Mr. NELSON. I offer an amendment as a substitute for the entire section. After the substitute is read I propose to explain it for a few moments.

The VICE-PRESIDENT. The Senator from Minnesota presents an amendment in the nature of a substitute, which will be stated.

The SECRETARY. It is proposed to strike out all of the committee amendment and to insert in lieu thereof the following:

SEC. 5153. The Secretary of the Treasury is hereby authorized to designate national banking associations as depositories of public money and when so designated the same shall, upon giving the security hereinafter prescribed, be qualified depositories of such money under such rules and regulations as the Secretary may prescribe; and such designated banking associations may be employed as the financial agents of the Government, and they shall perform such reasonable duties as depositories of public moneys and financial agents of the Government as may be required of them by the Secretary or by law, and all public money deposited with them shall at all times be subject to the draft and withdrawal of the Secretary of the Treasury. The Secretary of the Treasury shall require such designated association, before depositing any public money with it, to furnish and give reasonable and ample security for such money by the deposit in the Treasury of the United States of United States bonds, or in the discretion of the Secretary the bonds of any State or municipality of the Union, or such bonds as are accepted by the savings banks of the States of Massachusetts or New York, commercially at par, for the safe-keeping and prompt payment of the public money deposited with it and for the faithful performance of its duty as financial agent of the Government; and no public money shall be deposited as aforesaid in excess of the par value of the bonds given as security therefor. Every banking association, designated and qualified as receiver or depository of public money as aforesaid, shall at all times take and receive at par all national currency bills issued by any national banking association which have been paid to the Government for any purpose whatsoever. The Secretary of the Treasury shall not allow the public money in the Treasury permanently to accumulate over and above a safe and reasonable working balance required for the current demands upon the Government; and any surplus over and above such working balance shall, from time to time, when practicable, be deposited by the Secretary of the Treasury in the national banking associations designated and qualified as receivers and depositories of public money as aforesaid; and the Secretary of the Treasury shall designate depositories and make deposits of public money in such manner throughout the several States of the Union that all parts of the country may have the benefit of such deposits, and not confine such deposits to a limited number of banks in the larger cities. All national banking associations, designated as depositories of public money, as aforesaid, and receiving such money on deposit, shall pay to the Government of the United States such interest upon the deposit as the Secretary of the Treasury may prescribe, not less, however, in any case, than at the rate of 2 per cent per annum upon the average daily balance of such deposit, and the Government of the United States shall have a first and preferred lien on the assets of the national banking association in which the public money of the Government is deposited for the amount of such deposits.

Mr. NELSON. Mr. President, the amendment to section 5153 of the Revised Statutes, as reported by the Committee on Finance, relating to the making of national banks Government depositaries, contains only one change from existing law. Under the law as it exists up to this date customs receipts can not be deposited directly in national banks. This is the only change. Under the law as it stands to-day the Secretary of the Treasury may make deposits of Government money with the national banking associations, and the language of the law is:

The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise.

I understand—and if I am in error in this respect I desire to be corrected—that prior to the present Secretary of the Treasury it was not the custom under this law to receive anything but Government bonds for these deposits. Am I correct?

Mr. ALDRICH. The Senator is correct.

Mr. NELSON. But the present Secretary of the Treasury has amplified the law and construed it so that he receives various kinds of securities. From a letter which I have here from one of the leading banks of St. Paul it appears that he is receiving railroad bonds and other securities.

Mr. ALDRICH. My impression is the Secretary has never received railroad bonds as a basis for security.

Mr. NELSON. I think this letter indicates it.

Mr. ALDRICH. I think the writer of the letter must be mistaken.

Mr. NELSON. I am going to have this letter read later.

The amendment I have offered does not change the existing law except in two or three particulars. First, it expressly authorizes the Secretary of the Treasury to receive such securities, in addition to United States bonds, as he has been in the habit of receiving. In other words, my amendment, as it is offered, allows him, in his discretion, outsite of United States bonds, to take the bonds of any State or municipality that are commercially at par and any bonds that are accepted by the savings banks of Massachusetts and New York, and that, I understand, is the criterion on which the Secretary has acted.

In the next place, I provide that the Secretary shall endeavor to keep as much as possible of the Government money out on deposit among the banks, and only retain in the Treasury enough money for a reasonable and ample working balance. In other words, not to allow the money to accumulate in the Treasury by the hundreds of millions, but simply to retain sufficient for an ample working balance, the remainder to be deposited in the banks.

The next and the most important provision is that requiring the banks to pay interest on these deposits. During the last winter, as a matter of curiosity, I looked at the daily statements furnished us as to where the Government money is. I have here the statement of the 19th of February, showing that out of a total surplus in the Treasury of $247,000,000, $151,000,000 was on deposit in national banks, and during most of the winter, so far as my memory serves me—and I have been glancing at these statements from day to day—on an average there was from $125,000,000 to $150,000,000 of Government money in the hands of these national banks.

These banks make a great profit out of this money. I have noticed, and so have other Senators, I suppose, that every once in a while they get a financial flurry in New York. They get up a scheme of stock speculation and all at once money gets scarce. It is not because there has been a sudden accumulation in the Treasury. That does not seem to control the matter. But when they get into one of their financial stock-speculation schemes and get up a financial flurry they rush over here to Washington and appeal to the Secretary of the Treasury, "For God's sake, help us out." Then he piles the money into those banks, and they loan it out on stock collateral to those speculators at interest all the way up to 2, 3, and 5 per cent a month, thus making big revenue.

I have heard one objection urged against the proposition to pay interest, and I propose to discuss it. It is that when you

make the banks pay interest you change the character of the depositary; that, as it is, they are simply the fiscal agents of the Government; they are the depositaries. They stand there representing the United States. If that proposition is true, if they are the naked depositaries of that fund, what right have they to loan this money out to those stockjobbers and to charge interest? If that position is true, then the decision of the supreme court of Wisconsin some years ago would hold good.

Many years before, they had a law in the State of Wisconsin, as they now have, requiring deposits of the revenues of the State to be made in banks designated by a board, charging the banks interest. Several State treasurers were in the habit of depositing those moneys in various banks and getting interest, part of the interest being pocketed and part of it being distributed among the political parties. Afterwards suits were brought to recover that money, and State treasurers who in that manner had loaned out the public money without authority of law were, under the decision of the supreme court, compelled to disgorge the interest.

The VICE-PRESIDENT. The hour of 6 o'clock having arrived——

Mr. NELSON. I am sorry I can not conclude.

The VICE-PRESIDENT. The Senate will take a recess until 8 o'clock and 15 minutes p. m.

RECESS

Thereupon the Senate took a recess until 8 o'clock and 15 minutes p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock and 15 minutes p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 8182) authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 24118. An act granting to the Central Colorado Power Company a right of way over certain public lands, for irrigation and electric power plants, in the State of Colorado;

H. R. 25184. An act to relieve the Tanana Mines Railroad in Alaska from taxation;

H. J. Res. 204. Joint resolution disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico; and

H. J. Res. 246. Joint resolution authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography, to hold its thirteenth congress in the city of Washington.

The message further announced that the House had passed a concurrent resolution authorizing the Clerk of the House and the Secretary of the Senate to permit Jacob Ruppert, jr., as one of the House managers of the conference, to affix his name to the conference report on the bill (S. 4403) to regulate the immigration of aliens into the United States, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 21684) to amend section 2 of an act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 31, 1906, and it was thereupon signed by the Vice-President.

HOUSE BILLS REFERRED.

H. R. 24118. An act granting to the Central Colorado Power Company a right of way over certain public lands for irrigation and electric power plants, in the State of Colorado, was read twice by its title, and referred to the Committee on Public Lands.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Territories:

H. R. 25184. An act to relieve the Tanana Mines Railroad in Alaska from taxation; and

H. J. Res. 204. Joint resolution disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask that the unfinished business be informally laid aside, and that the Senate take up the naval appropriation bill.

The VICE-PRESIDENT. If there be no objection, the unfinished business will be laid aside for that purpose.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24925) making appropriation for the naval service for the fiscal year ending June 30, 1908, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that it be read for action on the committee amendments.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with; that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Navigation," on page 9, after line 9, to insert:

Naval training station, Port Royal, S. C.: Maintenance of naval training station, Port Royal, S. C., namely: Manual labor and material; general care, repairs, and improvements of grounds, buildings, and wharves; wagons, carts, implements, and tools, and repairs to same; gymnastic implements; models and other articles needed in instruction of apprentice seamen; stationery, books, periodicals, and other contingent expenses; necessary repairs to the buildings now erected to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses; for purposes of administration in connection with the training of apprentice seamen; in all, naval training station, Port Royal, S. C., $50,000.

The amendment was agreed to.

The next amendment was, on page 10, line 5, after the word "dollars," to insert "two copyists, at $900 each per year;" so as to make the clause read:

Naval War College, Rhode Island: For maintenance of the Naval War College on Coasters Harbor Island, and care of grounds for same, $12,300; one draftsman, at $1,200 per year; services of a lecturer on international law, $1,000; services of civilian lecturers rendered at the War College, $600; two copyists, at $900 each per year; purchase of books of reference, $400; one librarian, $1,400 per year.

The amendment was agreed to.

The next amendment was, on page 10, line 9, to increase the total appropriation for the maintenance of the Naval War College, Rhode Island, from $16,900 to $18,700.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," on page 14, line 5, to increase the appropriation toward the accumulation of a reserve supply of ammunition from $2,000,000 to $4,000,000.

The amendment was agreed to.

The reading was continued to line 2 on page 16, the last paragraph read being the following:

Navy-yard, Boston, Mass.: For one writer, at $1,000.

Mr. HALE. I move to strike out "For one writer, at $1,000," and insert "For one clerk, at $1,200."

The amendment was agreed to.

The reading of the bill was continued to line 16 on page 17.

The VICE-PRESIDENT. The Chair would call the attention of the Senator from Maine to the total in line 14, page 17. It should be increased by the addition of $200.

Mr. HALE. Let the total be increased by $200.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, line 13, after "thousand," insert "two hundred;" so as to make the total read "$47,206.75."

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Equipment," on page 19, line 15, to increase the appropriation for the purchase of coal and transportation from $3,750,000 to $4,000,000.

Mr. HALE. On page 19, at the end of line 16, I move to insert, after the word "million," "two hundred and fifty thousand."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "million" insert "two hundred and fifty thousand dollars;" so as to read "$4,250,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULBERSON. On page 14 I notice that the appropriation is doubled, from $2,000,000 to $4,000,000, for ammunition, and just at this moment $250,000 have been added to the committee amendment, which increases the appropriation made by the House for coal and transportation $500,000. That makes the increase for ammunition and coal and transportation two million and a half. I dare say that there are abundant reasons for this increase.

Mr. HALE. Which item is the Senator calling attention to?

Mr. CULBERSON. I am calling attention to two items.

Mr. HALE. I see. What is the first one?

Mr. CULBERSON. For reserve ammunition, on page 14. The appropriation is doubled there, and for coal and transportation it is increased $500,000, making an increase of two and a half million dollars in those two items. I am sure that there is some good reason for it, but it does not appear.

Mr. HALE. Let us take one at a time. As to the appropriation, on page 14, for the reserve supply of ammunition, the Department estimated an addition of six million and some odd thousand dollars. It was found that the reserve of ammunition is very small. The committee, on full investigation, instead of giving $6,000,000 and more, made it $4,000,000.

Of course there should be some reserve supply of ammunition. It is all very carefully stored. Senators will realize that in time of complete peace the Navy is using a great deal of this appropriation in its summer cruises and its target exercises, and is all the time using up this appropriation. The committee thought a fair arrangement and compromise between what the Department asked and what the House put in the bill was $4,000,000.

It is one of the things that Senators have got to realize—that we can not have this great Navy and make appropriations for big ships and build up a great establishment without involving very great expenditures incidentally. One of the things is ammunition. I can only say to the Senator, that looking at the matter as the committee tried to do, in a rather conservative way, instead of giving six million and odd thousand dollars we gave $4,000,000.

Mr. CULBERSON. I did not know but that this extraordinary increase had something to do with the assembling of the fleet now and then for great reviews by the President, and that it probably also had something to do with the Jamestown Exposition, about which the Senator from Maine, a week or so ago, presented certain remonstrances of bishops.

Mr. HALE. I do not think that the Jamestown Exposition has very much to do with this increase. It has something to do with it undoubtedly. That exposition has entirely departed from its original purpose and intent. Undoubtedly there is to be a great military pageant, and not much else will be of any account in that celebration. I do not think, however, that much of this appropriation will be expended there.

The reading of the bill was continued. The next amendment was, under the subhead "Public works, Bureau of Yards and Docks," on page 30, line 24, after the word "dollars," to strike out "coaling plant, $15,000;" on page 31, line 5, after the word "dollars," to insert "pattern shop for steam engineering, to complete, $61,200; track for 40-ton crane, extension, $10,000, the limit of cost to be $46,800;" and in line 10, before the word "dollars," to strike out "one hundred and eighty-eight thousand seven hundred" and insert "two hundred and forty-four thousand nine hundred;" so as to make the clause read:

Navy-yard, Portsmouth, N. H.: Railroad and rolling stock, $2,000; sewer system, extension, $2,000; quay walls, to extend, $20,000; grading, to continue, $15,000; central power plant, to complete, $60,000; blasting in front of quay wall (to cost $110,000), $50,000; naval prison laundry, $3,000; naval prison cooking and baking plant, $3,200; naval prison, furniture and fittings, $8,500; naval prison, administration building, to complete, $10,000; pattern shop for steam engineering, to complete, $61,200; track for 40-ton crane, extension, $10,000, the limit of cost to be $46,800; in all, $244,900.

The amendment was agreed to.

The next amendment was, on page 32, line 12, after the word "dollars," to insert "railroad equipment, additional, $5,000; railroad system, extensions, $10,000; sewers and drains, $10,000; cement storehouse, $11,000;" and in line 18, before the word "dollars," to strike out "two hundred and twenty-seven thousand eight hundred" and insert "two hundred and sixty-three thousand eight hundred;" so as to make the clause read:

Navy-yard, New York, N. Y.: Electric plant, extensions, $25,000; underground conduits, extension, $15,000; heating system, extensions, $20,000; electric motors for pump well valves, $7,000; electric elevators, $10,000; central power plant, to complete, $140,000; for sidewalk on Flushing avenue and Navy street in front of the navy-yard, $10,800; railroad equipment, additional, $5,000; railroad system, extensions, $10,000; sewers and drains, $10,000; cement storehouse, $11,000; in all, navy-yard, New York, N. Y., $263,800.

The amendment was agreed to.

The reading was continued to line 5 on page 34.

Mr. HALE. On page 34, line 4, in the items for the navy-yard at Norfolk, Va., after the word "dollars," I move to insert:

Central power plant, $130,000.

The amendment was agreed to.

Mr. NELSON. I call the attention of the chairman of the committee to the necessity of having another amendment in line 5 after the amendment just adopted.

Mr. HALE. That is a matter of the total.

Mr. NELSON. Yes; to add $130,000.

Mr. HALE. That is right. It should be $365,000.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 34, line 5, strike out "$235,000" and insert "$365,000."

The amendment was agreed to.

The reading was resumed. The next amendment was, on page 34, line 8, after the word "dollars," to insert "sidewalks along outside station wall, $2,500;" and in line 13, before the word "dollars," to strike out "forty-two thousand" and insert "forty-four thousand five hundred;" so as to make the clause read:

Naval station, Key West, Fla.: Dredging and filling in, $25,000; grading and paving, $5,000; sidewalks along outside station wall, $2,500; water system, extensions, $2,000; removing steel tanks from Dry Tortugas, $10,000; in all, navy-yard, Key West, Fla., $44,500.

The amendment was agreed to.

The next amendment was, on page 35, line 4, after the word "dollars," to insert "central light and power plant at Mare Island Navy-Yard, Cal., $100,000; removal of office building No. 103 from its present location to the hill in the rear of building No. 65, $1,000;" and in line 11, before the word "dollars," to strike out "one hundred and forty-seven thousand five hundred" and insert "two hundred and forty-eight thousand five hundred;" so as to make the clause read:

Navy-yard, Mare Island, Cal.: Railroad system, extension, $5,000; electric-plant system, extension, $10,000; sewer system, extensions, $3,000; heating system, extension, $5,000; telephone system, extensions, $1,000; electric capstans for dry dock No. 1, $10,000; extension of building No. 119, block and cooper shop, $15,000; improvements to building No. 96, shipfitters' shop, $3,000; improvements to buildings Nos. 69 and 71, $20,000; improvements to coal cylinders, $7,500; workshop for electrical class, $3,000; channel moorings, Mare Island Strait, $9,000; enlarging and moving dispensary building, $6,000; improvements to naval prison, $50,000; central light and power plant at Mare Island Navy-Yard, Cal., $100,000; removal of office building No. 103 from its present location to the hill in the rear of building No. 65, $1,000; in all, navy-yard, Mare Island, $248,500.

The amendment was agreed to.

The next amendment was, on page 35, line 25, after the word "dollars," to insert "and to enable the Secretary of the Navy to repair and reconstruct, where necessary, the buildings, wharves, and other public works recently damaged by hurricane at the navy-yard, Pensacola, $200,000;" and on page 36, line 4, before the word "forty-two," to insert "two hundred and;" so as to make the clause read:

Navy-yard, Pensacola, Fla.: Machinery for central power plant, $35,000; conduit system, $2,500; improvements to storehouse, building No. 25, $5,000; and to enable the Secretary of the Navy to repair and reconstruct, where necessary, the buildings, wharves, and other public works recently damaged by hurricane at the navy-yard, Pensacola, $200,000; in all, navy-yard, Pensacola, $242,500.

The amendment was agreed to.

The next amendment was, on page 37, line 24, to increase the total appropriation for public works, navy-yards, and stations from $2,599,240 to $2,994,940.

The amendment was agreed to.

The reading was continued to line 22 on page 43.

Mr. PILES. I desire to call the attention of the Senator from Maine to an amendment, by striking out the word "repair," in line 20, and inserting the word "construction."

Mr. HALE. That is right, Mr. President.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 20, strike out the word "repair" and insert the word "construction;" so as to read:

Naval hospital, Puget Sound, Washington: For the construction of naval hospital buildings, $75,000 (total cost not to exceed $150,000).

The amendment was agreed to.

The next amendment was, under the subhead "Public works under Bureau of Medicine and Surgery," on page 43, after line 22, to insert:

Naval hospital, Washington, D. C.: For the erection of an addition, symmetrical with the northeast pavilion, solarium, and connecting corridor, to the naval hospital, Washington, D. C., $60,000.

The amendment was agreed to.

The next amendment was, on page 44, line 9, to increase the total appropriation for public works under Bureau of Medicine and Surgery from $125,000 to $185,000.

The amendment was agreed to.

The next amendment was, on page 54, line 23, to reduce the total appropriation for the civil establishment, Bureau of Supplies and Accounts, from $105,167.34 to $103,978.34.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Construction and Repair," on page 56, line 3, after the word "exceed," to strike out "twenty" and insert "ten;" so as to make the further proviso read:

Provided further, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to

be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

The amendment was agreed to.

The next amendment was, on page 56, line 9, after the word "home," to insert the following further proviso:

And provided further, That the Secretary of the Navy shall hereafter report to Congress, at the commencement of each regular session, the number of vessels and their names upon which any repairs or changes are proposed which in any case shall amount to more than $100,000, the extent of such proposed repairs or changes, and the amounts estimated to be needed for the same in each vessel; and expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress.

The amendment was agreed to.

The next amendment was, on page 57, line 22, after the word "plant," to strike out "naval station" and insert "navy-yard:" so as to make the clause read:

Construction plant, navy-yard, Charleston, S. C.: Repairs to, and improvement of, plant at naval station, Charleston, S. C., $20,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Steam Engineering," on page 63, line 10, before the word "Charleston," to strike out "naval station" and insert "navy-yard;" so as to make the clause read:

Navy-yard, Charleston, S. C.: One clerk to department, $1,200.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Academy," on page 65, line 17, after the word "each," to insert "one bandmaster, at $1,200; twenty-one first-class musicians, at $420 each; seven second-class musicians, at $360 each;" so as to read:

Three seamen in the department of seamanship, at $397.50; twenty attendants at recitation rooms, library, store, chapel, armory, gymnasium, and offices, at $300 each; one bandmaster, at $1,200; twenty-one first-class musicians, at $420 each; seven second-class musicians, at $360 each.

The amendment was agreed to.

The next amendment was, on page 66, line 18, to increase the total appropriation for pay of professors, and others, Naval Academy, from $120,868.26 to $133,408.26.

The amendment was agreed to.

The next amendment was, on page 69, line 9, to increase the total appropriation for the maintenance of the Naval Academy, from $428,188.36 to $440,728.36.

The amendment was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 69, line 18, before the word "brigadier-generals," to strike out "six" and insert "seven;" and in line 19, before the word "colonels," to strike out "three" and insert "two;" so as to make the clause read:

For pay of officers prescribed by law, on the retired list: For one major-general, seven brigadier-generals, two colonels, seven lieutenant-colonels, five majors, six captains, seven first lieutenants, and four second lieutenants, and for officers who may be placed thereon during the year, including such increased pay as is now or may hereafter be provided for retired officers regularly assigned to active duty, $115,000.

The amendment was agreed to.

The next amendment was, on page 71, line 17, before the word "assistant," to strike out "the" and insert "each;" so as to make the clause read:

In the office of each assistant paymaster: One clerk, at $1,400.

The amendment was agreed to.

The next amendment was, on page 72, line 14, to increase the total appropriation for pay of civil force from $28,911.28 to $30,311.28.

The amendment was agreed to.

The next amendment was, on page 72, line 23, to increase the total appropriation for pay of the Marine Corps from $2,864,298.46 to $2,843,998.46.

The amendment was agreed to.

The next amendment was, on page 73, line 12, before the word "dollars," to strike out "six hundred and thirteen thousand five hundred and three" and insert "five hundred and forty-eight thousand five hundred and three;" so as to read:

Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore, for subsistence of enlisted men when traveling on duty, or cash in lieu thereof, for commutation of rations to enlisted men regularly detailed as clerks and messengers, for payment of board and lodging of recruiting parties, transportation of provisions, and the employment of necessary labor connected therewith, and for ice for preservation of rations, $548,503; and no law shall be construed to entitle marines on shore duty to any rations, or commutation thereof, other than such as now are or may hereafter be allowed to enlisted men in the Army.

The amendment was agreed to.

The next amendment was, on page 73, line 24, before the word "dollars," to strike out "six hundred and fifty-five thousand" and insert "six hundred thousand nine hundred and twenty;" so as to make the clause read:

Clothing, Marine Corps: For noncommissioned officers, musicians, and privates authorized by law, $600,920.

The amendment was agreed to.

The next amendment was, on page 75, line 1, to increase the appropriation for the purchase of military stores, Marine Corps, from $225,000 to $225,782.

The amendment was agreed to.

The next amendment was, on page 75, line 6, to increase the appropriation for transportation and recruiting, Marine Corps, from $180,000 to $186,000.

The amendment was agreed to.

The next amendment was, on page 75, line 23, to increase the appropriation for repairs of barracks, Marine Corps, from $70,000 to $78,836.

The amendment was agreed to.

The next amendment was, on page 76, line 14, to increase the appropriation for hire of quarters, Marine Corps, from $40,000 to $51,548.

The amendment was agreed to.

The next amendment was, on page 77, line 25, to increase the appropriation for contingent expenses, Marine Corps, from $206,000 to $280,800.

The amendment was agreed to.

The next amendment was, on page 78, line 3, to reduce the total appropriation under quartermaster, Marine Corps, from $2,142,923 to $2,070,089.

The amendment was agreed to.

The next amendment was, on page 78, line 7, to reduce the total appropriation for the maintenance of the Marine Corps from $5,007,221.46 to $4,914,087.46.

The amendment was agreed to.

The next amendment was, under the subhead "Increase of the Navy," on page 80, line 17, before the word "submarine," to insert "subsurface or;" and in line 25, after the word "expended," to insert "no part of this appropriation to be expended for any boat that does not in such test prove to be equal in all respects to the best boat now owned by the United States or under contract therefor, and no penalties under this limitation shall be imposed by reason of any delay in the delivery of said boat due to the submission or participation in the comparative trials aforesaid;" so as to make the clause read:

That the provision in the naval appropriation act approved June 29, 1906, authorizing the Secretary of the Navy to contract for subsurface or submarine boats after certain tests to be completed by March 29, 1907, is hereby amended, in accordance with the recommendation of the Secretary of the Navy, so as to extend the test period until May 29, 1907; and the limit of cost provided for in the authorization aforesaid is hereby increased to $3,000,000, and the sum of $1,000,000, which includes the half million dollars heretofore appropriated, is hereby appropriated, and to remain available until expended, no part of this appropriation to be expended for any boat that does not in such test prove to be equal in all respects to the best boat now owned by the United States or under contract therefor, and no penalties under this limitation shall be imposed by reason of any delay in the delivery of said boat due to the submission or participation in the comparative trials aforesaid.

The amendment was agreed to.

Mr. HALE. On page 81, line 1, after the word "equal," I move to strike out the words "in all respects."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 81, line 12, to increase the appropriation for armor and armament from $9,000,000 to $12,000,000.

The amendment was agreed to.

The next amendment was, on page 81, line 17, to increase the total appropriation for the increase of the Navy from $22,713,915 to $25,713,915.

The reading of the bill was concluded.

Mr. STONE. Mr. President, I desire to ask the Senator from Maine one or two questions. Can the Senator tell me how much the bill appropriates for enlarging the powder plant at Indian Head? I have not been able to find that clause in running through the bill.

Mr. HALE. The Senator refers to the establishment at Indian Head?

Mr. STONE. I understood that there was an appropriation to enlarge the plant and to increase its capacity. I understood also that there was an additional appropriation for the new plant provided for by the $165,000 which was appropriated at the last session on the naval bill.

Mr. HALE. The only appropriation here in the bill, Mr. President, for the proving grounds at Indian Head is $34,130.

Mr. STONE. Thirty-four thousand one hundred and thirty dollars?

Mr. HALE. Yes.

Mr. STONE. Can the Senator from Maine tell me how much, if anything, is added to the $165,000 appropriated last year?

Mr. HALE. Just this amount of $34,130.

Mr. STONE. That is for Indian Head?

Mr. HALE. Yes.

Mr. STONE. But last year the Senator will remember there was $165,000 appropriated for a new powder plant. Has that amount been increased by this bill?

Mr. HALE. No; the only provision for the proving grounds at Indian Head is the item of $34,130.

Mr. STONE. Is that the entire increase for powder manufacturing?

Mr. HALE. That is the appropriation for proving grounds.

Mr. STONE. Mr. President, I had intended to say something upon the subject of powder manufacturing, but the occasion is hardly opportune for it. I am not going to detain the Senate with a useless discussion. I do want to say just a word or two, however.

I asked for information from the clerk of the Committee on Naval Affairs this afternoon as to the amount of powder purchased and consumed by the Navy and by the Army annually. I made like inquiries of the departmental officials. The information I have is that during the last year 2,025,000 pounds were purchased for the Navy and 1,034,624 pounds were manufactured at Indian Head and Newport for the Navy. The same year the War Department consumed 1,334,495 pounds of cannon powder, and, in addition, contracted for 342,500 pounds of small-arms powder. This makes a total of about 1,700,000 pounds for the Army, or about 5,000,000 pounds, all told, for the military service.

Mr. President, it is in proof in the hearings had before the Committee on Naval Affairs that the Government can manufacture this powder for from one-half to one-third less than it costs to buy it. There is an enormous expenditure, amounting to many millions of dollars, for this munition. It is costing the Government about 75 cents a pound. It can be made for little, if any, more than half that amount.

I had intended to say something upon the general subject, but I shall not do it now. However, Mr. President, I ask leave to insert in the RECORD without reading, for the information of the Senate and use hereafter, some letters that have been sent to me by powder manufacturers in Kansas City, Mo., Peoria, Ill., and York, Pa.; and so I leave the matter for the present.

The VICE-PRESIDENT. Without objection, permission is granted to insert the letters referred to.

The letters referred to are as follows:

EXCELSIOR POWDER MANUFACTURING COMPANY,
616–618 GUMBEL BUILDING,
Kansas City, Mo., January 12, 1907.

Hon. WM. J. STONE,
United States Senator, State of Missouri, Washington, D. C.

DEAR SIR: No doubt your attention has been called to the operations of the "Du Pont powder trust" with the United States Government and their methods of strangling the competition of independent manufacturers of black powder and dynamite throughout the country, all of which is absolutely true.

The writer has been employed by the black-powder interests of this country for the past twenty-six years, during which time he served the Laflin & Rand Powder Company, Hazard Powder Company, and Phoenix Powder Manufacturing Company, all of which have been swallowed up by this "octopus."

In the fall of 1903 myself and others severed our relations with the "Dupont powder interest" and organized the Excelsion Powder Manufacturing Company, an independent company, for the purpose of manufacturing black powder and other explosives, etc. We came to Kansas City, and after looking over the shipping facilities, etc., reached the conclusion that this was the most logical point in the West to locate our mills.

We finally found a desirable location at Holmes Park, Jackson County, Mo., just south of this city, or as close as we could locate a plant of this kind to a large growing city.

We have there to-day one of the largest and most modern equipped mills in the West, representing an investment of several hundred thousand dollars. We have been in operation one and one-half years and find that we made no mistake as to location or the amount of business done from this city.

The construction work was scarcely well under way on this plant when the agent of the Du Pont Company at this city notified the trade of a new schedule of prices on powder and dynamite.

To give you an illustration of their methods will say that prior to commencing the erection of our plant the price on blasting powder in carload lots at Kansas City was $1.45 per keg, and on less than carload lots, $1.60. As soon as the construction of our plant was well under way, they reduced the price to $1.20 per keg on carload lots and $1.35 on less than carload lots at Kansas City, then when we finished construction and got our plant in operation a further reduction was made, a price of from 90 cents to $1 per keg on carload lots and $1.10 to $1.25 per keg on less than carload lots being named to the trade, and these reductions were being made on a constant advancing market on goods which enter into the manufacture of powder, all of which was done for the purpose of ruining us right from the start, they being desirous of keeping us from getting a foothold. Even in the face of this unfair competition we succeeded in securing some of the largest trade in this vicinity, such as the largest coal and coke companies and others whom we know favored us out of sympathy for the honest fight we were making against the "powder trust" in this field where it had dominated so long.

About the time that we were negotiating for this business the Du Pont's present representative at Pittsburg, Kans., made the statement down there that it was foolish and preposterous for our company to come in and expect to get any of the trade in that field which they had enjoyed for the past eighteen years.

He said they had two mills in that field, one at Columbus and the other at Pittsburg, Kans., from which they could afford to sell blasting powder below cost in order to keep out competition, because they made a sufficient profit on their Government smokeless powder end of the business to permit them to do this for years, and then when we and other independent companies quit that the buyers would have to come back to them.

This will give you a fair idea of what we have to contend with in business out here, which, no doubt, applies elsewhere.

Suffice it to say that a number of your constituents in Kansas City, Mr. Bernard Corrigan, Mr. William Kenefick, Mr. Samuel N. Lee, and a number of others in St. Louis, are interested in the welfare of this company, therefore we will thank you in advance, as well as your colleagues in the honorable body of which you are a member, to give the question of appropriating a sufficient sum for the erection of three Government smokeless powder plants, as has been suggested to the Senate and Congress of the United States, your most heartily support.

We will thank you to keep us posted from time to time as this matter progresses.

Yours, respectfully,

EXCELSIOR POWDER MFG. CO.,
By T. P. GORMAN, *President.*

BUCKEYE POWDER COMPANY,
Peoria, Ill., February 5, 1907.

Senator WM. J. STONE,
Washington, D. C.

DEAR SIR: * * * The business methods of this Du Pont trust are more despicable than anyone that has received public censure; it maintains a system of spies at the mills of all competitors, several of whom have been more than suspicioned of injuring property and of causing explosions with loss of life and property; it hires the railroad agents to furnish it lists of the shipments from independent mills and with a system of mischief makers precedes arrival of these shipments with threats that if such purchases are not stopped this "trust" will refuse to sell such buyers other lines of goods not handled by independent manufacturers; it hires employees at independent mills to betray their principals; it pays hundreds of coal miners in Illinois, Iowa, and Indiana large sums of money on condition that they will refuse to use powder made at independent mills and compel the coal operators to buy "trust" brands, so that scores of operators who are stockholders in independent powder companies can not use their powder in their own mines by reason of these grafting and unlawful practices of the Du Pont trust.

This Du Pont monopoly maintains a department for the dissemination of false and malicious reports, injuring the credit and quality of the goods of competitors, and uses constantly the most disreputable and unlawful means to restrain and destroy the business of others and create a more exclusive monopoly for itself.

It sells mining powder in the territory reached by competitors at less than cost and uses the enormous profits derived from its Government graft to supply the funds to enable it to destroy its competitors. It is only a question of time when there can be no competition if these conditions prevail.

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BUCKEYE POWDER COMPANY,
Peoria, Ill., February 11, 1907.

Senator WM. J. STONE,
United States Senate, Washington, D. C.

DEAR SIR: Your favor 9th instant, per Mr. Hollister, secretary, is received.

The domestic prices made by the powder trust on black powder are as follows:

Rifle powder, kegs, 25 pounds	$4.50
Rifle powder, half kegs	2.50
Rifle powder, quarter kegs	1.50

For export they allow a discount of 10 per cent from the above prices and 1 per cent brokerage at New York.

Blasting powder, the domestic and export prices from New York is the same, $1.25 per keg; no discount.

New York City, as well as all other export markets, is noncompetitive—that is, the independent companies can not afford to maintain agencies in those cities because of the expense of handling powder in the harbors. The independent companies do not manufacture rifle powder, as the "trust" has a complete monopoly of this grade.

The ammunition trust, composed of Winchester Cartridge Company, Union Metallic Cartridge Company, United States Cartridge Company, Peters Cartridge Company, Western Cartridge Company, and Austin Cartridge Company, refused to load any powder excepting the brands made by the powder trust, and as nearly all the rifle and sporting powders used in the country are loaded into shells by these ammunition companies, independent manufacturers are shut out of the trade. This is under an agreement between the ammunition trust and the powder trust.

There is so little of the blasting powder exported that it does not pay the independent manufacturers to compete in export markets. The trust therefore sells blasting powder in noncompetitive markets at $1.25 per keg, and in competitive fields, where independent mills are located—say, in Missouri, Kansas, Illinois, Indiana, West Virginia, and Pennsylvania—the trust cuts the price of blasting powder to 90 cents per keg to destroy competitors. It relies on its profits of two and one-half millions on Government smokeless, secured to it by patents and its exclusive monopoly, to furnish the funds that enable it to sell blasting powder in competitive fields against independent manufacturers at a loss.

The protective tariff on rifle powder is 4 cents per pound, or $1 per keg of 25 pounds. The same on blasting powder. With a protective tariff of $1 per keg on blasting powder that the trust sells in Illinois and Missouri at 90 cents per keg, what could a foreign competitor do toward meeting this competition if he shipped blasting powder to New York, paid $1 per keg, freighting it to Missouri, at 20 cents per keg,

and sold it in competition with the powder trust at 90 cents? He would not only donate the powder, but would have to give away 30 cents per keg in cash for the privilege of doing so.

There is, however, better protection for the powder trust than the tariff. An international agreement entered into between the powder trust of this country and the powder and dynamite trusts of Europe divides the markets of the world and excludes all foreign powder and dynamite from the United States. Under this agreement foreign companies forfeit a fine of $1.50 per keg for all powder of their brand sold in this country, and the Americans pay the same fine on any of their powder sold abroad. The trade of the United States, Central America, and the Isthmus is ceded to the Du Pont monopoly; the trade of South America is pooled; Canada is reserved for the Hamilton Powder Company, of Canada, which can not sell or deliver in the United States. The prices are fixed for the entire world by the "international combination." It is for this reason that the explosives used on the Panama Canal are all furnished by the Du Pont monopoly at its own prices.

The graft of this great monopoly on the United States Government is worth at least $5,000,000 per year on its dynamite, smokeless powder, and other articles supplied the Government.

If an investigation of this powder trust were ordered by the Senate and independent manufacturers were used as witnesses, it would surprise the country to know the extent and richness of the powder graft. Very little of it has been covered in our complaints to Congress, because we have only touched upon the smokeless ordnance powder for the Army and Navy.

You can form little conception of the extent to which the Du Pont trust bleeds the National Government.

Truly, yours,

R. S. WADDELL.

ROCKDALE POWDER COMPANY, GENERAL OFFICE,
York, Pa., February 12, 1907.

Hon. WILLIAM STONE,
Washington, D. C.

MY DEAR SIR: Your attention has no doubt been directed to a matter relating to the manufacture of ordnance smokeless powder that should receive the support of every United States Senator during the present session of Congress.

I presume the matter to which I refer, namely, to have the Government of the United States own and control its own ordnance smokeless-powder plants, has been placed before you in an intelligible manner, as Mr. R. S. Waddell, Peoria, Ill., I believe, forwarded printed matter to every Senator and Representative in Washington.

I will therefore not take up your time now, but will be as brief as possible.

The Du Pont monopoly not only controls the ordnance smokeless-powder situation, but are violators of the Sherman Act, and should be dissolved.

This case has been in the hands of the Attorney-General for a sufficient length of time to enable him to take some decisive action, and I hope that you will, on behalf of the American people whom you represent (which includes the "independent" powder and dynamite manufacturers of this country), prevent this monopoly from exacting from the taxpayers the exorbitant sums of money which they do, on account of securing the ordnance smokeless-powder contracts from the Government, as well as to prevent the annihiliation of the "independents," using, as they do, these profits to forever exterminate every mother's son of us.

On every article of an explosive nature where there is any competition they have almost made it prohibitive for the "independents" to remain in business; but where they are not molested their profits range from 100 to 125 per cent, and are able to pay dividends on watered stock to the extent of at least $45,000,000.

Mr. V. N. Roadstrum, of the Department of Justice, who has been appointed a special on this particular case, will, upon request, give you some information regarding the methods of this gigantic octopus and of their "dare-devil" way of organization that will convince you that what I have dictated in this letter is about as near the unvarnished truth as you can get it.

I also desire to refer you to Hon. D. F. LAFEAN, who represents this district—and a mighty good Representative he is, too—as regards myself and what I represent.

As a citizen of the United States and an "independent" powder and dynamite manufacturer I respectfully ask you to give the matters herein referred to your earnest consideration and at the proper time your support, thus relieving this country from the jeopardizing position which they would be placed in at any time if war were declared, as well as to prevent men who have tried, with all honor and sincerity, to build up a business for the support of themselves and their families from being ruined "without a struggle," using the profits from Government contracts, as this monopoly does, to carry out its plans.

Yours, very truly,

W. I. KOLLER, *Secretary.*
ROCKDALE POWDER CO.

BUCKEYE POWDER COMPANY,
Peoria, Ill., February 4, 1907.

Senator WILLIAM J. STONE,
United States Senate, Washington, D. C.

DEAR SIR: Herewith I hand you copy of letter I have to-day written Hon. WALTER I. SMITH, chairman of the subcommittee of Appropriations Committee of the House, which fully explains itself.

The vice-president of the Du Pont trust tried to evade the force of my charges. There was just enough truth in his statements to evade a general denial from us. He avoided a specific denial of our charges.

Truly, yours,

R. S. WADDELL.

FEBRUARY 4, 1907.

Hon. WALTER I. SMITH,
Appropriations Committee,
House of Representatives, Washington, D. C.

DEAR SIR: I note by the press that Mr. J. A. Haskell, vice-president of the Du Pont Company, at a hearing before your committee stated that Du Pont Company does not manufacture under the Bernadou-Converse patents; that he stated:

"The Du Pont, Laflin & Rand and California companies made smokeless for the Government under formulas not covered by these patents, to which manufacture no objection was made." That—

"When the International Smokeless Powder Company was purchased by the Du Pont Company, in 1903–4, these patents became the property of the Du Ponts and that all the companies in the 'trust' have continued to furnish powder to the Government, but the patents were not used in the manufacture."

He further said that—

"As the patents were matters of public record, the formula could not be kept secret."

As to all this I wish to make reply.

It is true the three companies made powder for the Government under the Munroe patent, which the Government owned. This was because the International did not have sufficient capacity to supply the Government more than 6,000 pounds daily. The powder the Du Pont and other companies made was not as good as that produced by International. If it had been so, it was wholly unnecessary for the Du Pont trust to purchase the International and take over these patents at a valuation of more than $9,000,000, because the International did not manufacture any kind of powder except ordnance smokeless.

A young man has been with me nearly a year. His brother is the foreman of the Du Pont Smokeless Works ever since it was built in 1893. The man who is with me has worked in the experimental laboratory and understands the chemistry of the smokeless powder. He assisted in building the Du Pont plant and worked in every department up to last May. I have samples of all the powders made at the Du Pont, Laflin & Rand, and International works. We know accurately about all the powder they have made. I also have the specifications of the Navy Department for the smokeless ordnance powder, which you can easily obtain by calling on the Ordnance Bureau of the Navy Department. These specifications determine the kind of powder made at International, Du Pont, Laflin & Rand, and California. They refute the statements of Mr. Haskel.

The Navy Department always gave the preference to the International Company, because the Munroe patents covered a nitro-benzine colloid which is not as good as the alcohol-ether colloid.

It is true that the Du Pont trust, which owned the California and Laflin & Rand, has such a graft with the Navy Department—and the latter had the power to turn down the International if it desired—that the Du Pont companies did manufacture this alcohol-ether colloid, covered by the Bernadou-Converse patents, without any right to do so, and the International was compelled to submit or be squeezed out. That was one of the means for forcing the sale of International to the "trust."

Mr. Haskel did not deny that since the purchase of International the Du Pont trust has an absolute and exclusive monopoly, besides a very strong graft with the Navy Department, which precludes all possible competition by other private manufacturers. This confirms all that I have stated.

Regarding the publication of patents:

They do not disclose the details of manufacture; and if they did, it would be of no value to other manufacturers, at home or abroad, in supplying this Government. The terms of the patents are very general. They govern in France, Germany, and Italy, as well as the United States. Mr. Haskel did not reply to the point I made that this identical powder used in United States Navy guns was taken to France, Germany, and Italy, fired in foreign guns, where the pressures, velocities, and all details were taken by the chronograph, and by which foreign admiralties were able to make comparison by actual test of American powder in their guns as against their own powder.

Nor did Mr. Haskel deny that the Du Ponts were now building a plant for the manufacture of this American powder, covered by patents which should be the property of the United States Government, for the Brazilian nation.

This not only gives away the formula, but furnishes the goods, developed at the expense of the American people, to a foreign government to enrich this Du Pont monopoly.

Truly, yours,

R. S. WADDELL.

Mr. CARMACK. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 33, after the word "Washington," in line 5, it is proposed to insert:

For addition to brass, iron, and steel foundry, $100,000.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee.

Mr. HALE. I make a point of order that the amendment proposes an additional appropriation which is not estimated for.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CARMACK. What is the point of order, Mr. President?

The VICE-PRESIDENT. That the amendment proposed an appropriation which is not estimated for.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I ask unanimous consent that the unfinished business may be further temporarily laid aside, and that the Senate proceed to the consideration of the river and harbor appropriation bill.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be further temporarily laid aside, and that the Senate proceed to the consideration of the river and harbor appropriation bill. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which had been reported from the Committee on Commerce with amendments.

Mr. FRYE. I ask that the first formal reading of the bill may be dispensed with, that the bill may be read for amendment, and that the amendments of the committee may first receive consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

The first amendment of the Committee on Commerce was, on page 2, after line 3, to insert:

Improving Sasanoa River, Maine: Completing improvement in accordance with project submitted in the report of the Board of Engineers to the Senate Committee on Commerce, dated February 7, 1907, $44,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert:

Constructing breakwater from Mount Desert to Porcupine Island, Bar Harbor, Me.: Continuing improvement, $30,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert:

Improving harbor at Sullivan Falls, Me.: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to insert:

Improving harbor at Newburyport, Mass.: Continuing improvement, $30,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to insert:

Improving harbor at Hingham, Mass., by redredging the channel, $10,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 4, to insert:

Improving Connecticut River between Hartford, Conn., and Holyoke, Mass.: For surveys, preparation of plans and preliminary work in connection with securing easements and releases as recommended by the Board of Engineers in report submitted in House Document No. 323, Fifty-ninth Congress, second session, $5,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for improving Point Judith harbor of refuge, Rhode Island, on page 7, line 8, before the word "thousand," to strike out "fifty-six" and insert "one hundred and forty-five;" and in line 14, after the word "same," to insert "and also what further improvements, if any, should be made therein;" so as to make the proviso read:

Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said easterly or shore arm of said breakwater, to be paid for from time to time as appropriations may be made by law, not to exceed in the aggregate $145,000, exclusive of the amounts herein and heretofore appropriated, and the Secretary of War may cause an examination to be made with a view to determining whether a breakwater on the westerly side of said harbor of refuge is necessary to prevent sand movements, or for the protection of the sheltered area within the same, and also what further improvements, if any, should be made therein.

Mr. FRYE. There is a mistake in that amendment, in lines 7 and 8. The amount should be $170,000 instead of $145,000. I move that amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 7, line 19, after the word "dredging," to insert "or otherwise;" so as to make the clause read:

Improving the entrance to Point Judith Pond, Rhode Island: Continuing improvement and for maintenance, $8,000, which amount shall be expended for dredging or otherwise.

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert:

Improving Sakonnet Harbor, Rhode Island: Completing improvement by removal of rock No. 1, in accordance with the report submitted in House Document No. 99, Fifty-sixth Congress, second session, $10,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 14, to insert:

Improving Providence River and harbor, by deepening the area from the main ship channel to the harbor line, between Wilkesbarre Pier and Kettle Point, to a depth of 25 feet, mean low water, in accordance with the greater project reported in House of Representatives Document No. 108, first session Fifty-sixth Congress, $117,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to strike out:

Improving Bay Ridge and Red Hook channels in the harbor of New York: The Secretary of War is authorized, in his discretion, to prosecute the improvement in said channels, with a view to obtaining, first, a depth of 35 feet, and subsequently increasing said depth to the full depth allowed in the adopted project, as the available depth in the entrance channel to said harbor shall require.

The amendment was agreed to.

The next amendment was, on page 15, after line 23, to insert:

Improving Hudson River, New York, by extending the 12-foot project from below the Troy dam through this dam and to the barge canal entrance at Waterford in accordance with the report submitted in House Document No. 539, Fifty-ninth Congress, second session, $200,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $924,100, exclusive of the sums herein or heretofore authorized.

The amendment was agreed to.

The next amendment was, on page 16, line 22, after the words "Schodack Creek," to insert "and $50,000, or as much thereof as may be necessary, may be expended in extending the 12-foot channel eastward to the bulkhead line and the modified bulkhead line in the city of Troy, as proposed by Col. J. W. Barlow in 1901;" so as to make the clause read:

Improving Hudson River, New York: Continuing improvement and for maintenance, $250,000, of which $5,000 may be expended in removing the bar and deepening the channel at the mouth of Schodack Creek, and $50,000, or as much thereof as may be necessary, may be expended in extending the 12-foot channel eastward to the bulkhead line and the modified bulkhead line in the city of Troy, as proposed by Col. J. W. Barlow in 1901.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to insert:

Improving channel north of Shooters Island, between New York and New Jersey, being an extension of an existing project for the improvement of Arthur Kill or Staten Island Sound from Kill van Kull to Raritan Bay in accordance with the report and recommendation submitted in House Document No. 337, Fifty-ninth Congress, second session, $100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the project, to be paid for as appropriations may, from time to time, be made by law, not to exceed in the aggregate $180,115, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 21, after line 20, to insert:

Improving Maurice River, New Jersey, in accordance with the report submitted in House Document No. 664, Fifty-ninth Congress, first session, $161,200.

The amendment was agreed to.

The next amendment was, on page 26, line 18, after the word "branches," to insert "and the western branch channel;" and in line 23, before the word "thousand," to strike out "two hundred and eighty-two" and insert "three hundred and fifty-two;" so as to read:

Improving Norfolk Harbor, Virginia, and its approaches, from deep water in Hampton Roads to the junction of the eastern and southern branches, and the western branch channel, in accordance with House Documents Nos. 373 and 381, Fifty-ninth Congress, first session, including the removal of shoals at the mouth of the eastern branch, $352,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute such project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $850,000, exclusive of the amounts herein appropriated.

The amendment was agreed to.

The next amendment was, on page 28, line 5, to increase the appropriation for continuing the improvement and the maintenance of James River, Virginia, from $175,000 to $200,000.

The amendment was agreed to.

The next amendment was, on page 28, line 17, before the word "session," to strike out "second" and insert "first;" so as to make the clause read:

Improving Blackwater River, Virginia: Completing improvement in accordance with the report submitted in House Document No. 177, Fifty-ninth Congress, first session, and for maintenance, $8,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 18, to insert:

Improving Big Sandy River and Levisa and Tug forks, West Virginia and Kentucky: Continuing improvement by the construction of Dam No. 1, Levisa Fork, and Dam No. 1, Tug Fork, $100,000: *Provided*, That the Secretary of War may enter into contract or contracts for such materials and work as may be necessary for the completion of said dams, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $135,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 29, after line 4, to insert:

Improving Big Sandy River, West Virginia and Kentucky, by the construction of a steel service bridge at Lock No. 1, $7,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 23, to insert:

Improving and constructing inland waterway from Pamlico Sound to Beaufort Inlet, North Carolina, 12 feet in depth, in accordance with the report submitted in House Document No. 84, Fifty-ninth Congress, second session, $704,875.

The amendment was agreed to.

The next amendment was, on page 32, after line 8, to insert:

Improving Cape Fear River above Wilmington, N. C.: Continuing improvement, $200,000, to be expended in the construction of locks and dams in accordance with the project adopted by act of June 13, 1902.

The amendment was agreed to.

The next amendment was, on page 32, line 22, before the word "extend," to strike out "in his discretion, may" and insert

"shall;" and in the same line, after the word "to," to insert "Morrisons Landing in;" so as to make the clause read:

Improving inland waterway between Charleston Harbor and opposite McClellanville, S. C.: Completing improvement, $75,290; and the Secretary of War shall extend the said waterway or a branch thereof to Morrisons Landing in McClellanville.

The amendment was agreed to.

The next amendment was, at the top of page 33, to insert:

Improving Sampit River, South Carolina, from Georgetown to the head of navigation, in accordance with plan submitted in House Document No. 387, Fifty-sixth Congress, first session, $33,500.

The amendment was agreed to.

The next amendment was, on page 35, line 14, to increase the appropriation for continuing the improvement and maintenance of the Savannah River below Augusta, Ga., from $20,000 to $30,000.

The amendment was agreed to.

The next amendment was, on page 35, line 16, to increase the appropriation for continuing the improvement and maintenance of the Savannah River above Augusta, Ga., from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 35, line 20, to increase the appropriation for continuing the improvement and maintenance of the Altamaha, Oconee, and Ocmulgee rivers, Georgia, from $60,000 to $90,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 24, to insert:

Constructing Club and Plantation creeks canal, Georgia, in accordance with House Document No. 159, Fifty-eighth Congress, second session, $40,700.

The amendment was agreed to.

The next amendment was, on page 36, after line 8, to insert:

Improving the Oconee River, Georgia, between the city of Milledgeville and the Central of Georgia Railway bridge at Oconee station, Washington County, Ga., $5,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 10, to insert:

Improving St. Johns River, Florida, opposite the city of Jacksonville: Completing improvement by obtaining a depth of 24 feet of water at mean low tide between the channel as it now is and the pierhead lines as established by the Government in front of said city and extending from the Florida East Coast Railway bridge to Hogans Creek, in accordance with the report submitted in House Document No. 663, Fifty-ninth Congress, first session, $371,500.

The amendment was agreed to.

The next amendment was, on page 40, line 8, before the word "improvement," to strike out "Continuing" and insert "Completing;" and in line 9, before the word "dollars," to strike out "three thousand" and insert "twelve thousand two hundred and twenty-one;" so as to make the clause read:

Improving Kissimmee River, Florida: Completing improvement and for maintenance, $12,221.

The amendment was agreed to.

The next amendment was in the item of appropriation for improving harbor at Mobile, Ala., on page 42, line 18, after the word "appropriated," to strike out the following proviso:

And provided further, That so much as may be necessary may be expended in the construction of a dredge for said harbor.

The amendment was agreed to.

The next amendment was, on page 44, after line 9, to insert:

Improving and maintaining the harbors on the coast of Mississippi: For the construction of a seagoing hydraulic dredge for use in said harbors, $200,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 13, to insert:

Pearl River, between Edinburg and the Mobile, Jackson and Kansas City Railroad bridge, $12,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 6, to insert:

Improving inland waterway channel and excavating a canal from the Mermentau River, Louisiana, to the Sabine River, in accordance with report submitted January 10, 1907, in House Document No. 640, Fifty-ninth Congress, second session, $189,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such material and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed $200,000, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was at the top of page 50, to strike out:

Improving Ouachita and Black rivers, Louisiana and Arkansas: Continuing improvement by the construction of lock and dam No. 2, near Catahoula Shoals, Louisiana, in accordance with the plan in House Document No. 448, Fifty-seventh Congress, first session, and for maintenance, $140,780: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the construction of said lock and dam, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $200,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the location of said lock and dam may, in the discretion of the Secretary of War, be changed.

And insert:

Improving Ouachita and Black rivers, Louisiana and Arkansas: Continuing improvement by the construction of lock and dam No. 2, near Catahoula Shoals, Louisiana, and lock and dam No. 8, near Franklin Shoals, Arkansas, in accordance with the plan in House Document No. 448, Fifty-seventh Congress, first session, and for maintenance, $200,780: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the construction of said locks and dams, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $360,823, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the location of said locks and dams may, in the discretion of the Secretary of War, be changed.

The amendment was agreed to.

The next amendment was, in the item of appropriation for improving Galveston Harbor, Texas, on page 52, line 16, after the word "methods," to insert the following further proviso:

Provided further, That none of the money hereby authorized to be expended shall be used for the purchase or building of a dredge.

The amendment was agreed to.

The next amendment was, on page 52, line 21, before the word "thousand," to strike out "one hundred and fifty" and insert "two hundred;" so as to read:

Improving Galveston channel, Texas: Continuing improvement, $200,000.

Mr. FRYE. I offer an amendment to the amendment. In line 21, after the word "improvement," I move to insert "as far west as Fifty-sixth street."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 54, after line 2, to insert:

Improving Port Bolivar, Texas, by obtaining a channel 150 feet wide and 25 feet deep, with an increased width in front of the wharf, as recommended by Capt. Edgar Jadwin, as set out in House Document No. 719, Fifty-ninth Congress, first session, completing improvement, $50,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 20, to strike out:

Improving Trinity River, Texas: For maintenance, $35,000; for construction of locks and dams, as hereinafter mentioned, $40,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to construct Lock and Dam No. 4, in section 1, in accordance with the report submitted in House Document No. 409, Fifty-sixth Congress, first session, and also a lock and dam in accordance with said report at Hurricane Shoals, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate the sum of $300,000, exclusive of the amounts herein and heretofore appropriated or authorized.

And insert:

Improving Trinity River, Texas: For maintenance, $35,000; for construction of locks and dams, as hereinafter mentioned, $60,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to construct Lock and Dam No. 4, in section 1; also Lock and Dam No. 7, in accordance with the report submitted in House Document No. 409, Fifty-sixth Congress, first session, and also a lock and dam in accordance with said report at Hurricane Shoals, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate the sum of $445,000, exclusive of the amounts herein and heretofore appropriated or authorized.

The amendment was agreed to.

The next amendment was, on page 61, after line 17, to insert:

That the provision of the act approved March 6, 1905, "to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama," be so amended and enlarged as to include the channels and flow of said river as far westward as the line of the railroad bridge, now owned by the Southern Railway Company, across the Tennessee River at Florence, Ala., at the foot of Muscle Shoals.

Mr. FRYE. In line 19 of the amendment the word "five" should be stricken out and the word "six" inserted, so as read "1906."

The amendment to the amendment was agreed to.

The amendment was agreed to.

The next amendment was, at the top of page 65, to insert:

Improving Ohio River, Ohio and West Virginia: For building Lock and Dam No. 7 in the Ohio River, Pennsylvania, in accordance with the report of Maj. William H. Bixby, as printed in House Document No. 122, Fifty-fifth Congress, third session, $294,800: *Provided*, That the Secretary of War may enter into a contract or contracts for such material and labor as may be necessary for the completion of said lock and dam, to be paid for as provisions may from time to time be made by law, to an amount not exceeding $800,000 in excess of the amount herein or heretofore appropriated or heretofore authorized: *And provided further*, That the said lock and dam will be constructed with a view to a navigable depth of 9 feet.

The amendment was agreed to.

The next amendment was, on page 67, after line 3, to strike out:

Improving Lock and Dam No. 26 in the Ohio River, in the States of Ohio and West Virginia, $100,000, and the provisions of the river and harbor act approved March 3, 1905, appropriating $135,000 in the aggregate for Locks and Dams Nos. 19 and 26 are hereby repealed, and the said amount is made available for the construction of said Lock and Dam No. 26: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary

to complete said lock and dam, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $965,000, in addition to the amounts herein appropriated or made available: *Provided*, That said lock and dam shall be constructed with a view to a navigable depth of 9 feet.

And insert:

Improving Locks and Dams Nos. 19 and 26 in the Ohio River, in the States of Ohio and West Virginia, $100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the work on said locks and dams, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $965,000, in addition to the amounts herein appropriated or made available: *Provided*, That said locks and dams shall be constructed with a view to a navigable depth of 9 feet.

The amendment was agreed to.

The next amendment was, on page 69, after line 2, to insert:

Repairing the damage to the great Miami embankment of Ohio River east of Lawrenceburg, Ind., caused by the recent flood of the Ohio River and tributaries, $20,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 21, on page 74.

Mr. FRYE. I offer an amendment to be inserted after line 21 on page 74.

The SECRETARY. On page 74, after line 21, it is proposed to insert the following:

And it is further provided that the work of improvement shall proceed without delay by reason of conflicting or other claims of title or interests and without prejudice to any pending litigation in reference thereto.

The United States shall take, and as needed use, for this project, or any project heretofore adopted by Congress for improving St. Marys River at the Falls, and for any other works in aid of commerce and the maintenance of water levels, the lands and waters north of the present St. Marys ship canal throughout its length, out to the international boundary line; and the Secretary of War shall cause to be made a survey and map of said land and waters.

When the map and survey are completed, the Attorney-General shall proceed to ascertain the owners or claimants of the premises embraced therein and shall cause to be published for the space of thirty days, in one or more daily newspapers in the city of Sault Ste. Marie, that the same has been taken for the uses mentioned in this act, and notifying all claimants to any portion of said premises to file, within its period of publication, in the Department of Justice, a description of the tract or parcel claimed and a statement of its value as estimated by the claimant. On application of the Attorney-General the presiding judge of the United States circuit court of appeals for the sixth circuit shall appoint three persons, not in the employ of the Government or related to or in any manner connected with the claimants, to act as appraisers, whose duty it shall be, upon receiving from the Attorney-General a description of any tract or parcel the ownership of which is claimed separately, to fairly and justly value the same and report such valuation to the Attorney-General, who thereupon shall, upon being satisfied as to the title of the same, cause to be offered to the owner or owners the amount fixed by the appraisers as the value thereof; and if the offer be accepted, then, upon the execution of a deed to the United States in form satisfactory to the Attorney-General, the Secretary of War shall pay the amount to such owner or owners from the appropriation made therefor in this act.

In making the valuation the appraisers shall only consider the present value of the land, without reference to its value for the uses for which it is taken under the provisions of this act.

The appraisers shall each receive for their services $5 for each day's actual service in making the said appraisements.

Any person or corporation having any estate or interest in the premises who shall for any reason not have been tendered payment therefor as above provided, or who shall decline to accept the amount tendered therefor, may, at any time within one year from the publication of notice by the Attorney-General, as above provided, file a petition in the Court of Claims of the United States, setting forth his right or title and the amount claimed by him as damages for the property taken; and the court shall hear and adjudicate such claims in the same manner as other claims against the United States are now by law directed to be heard and adjudicated therein: *Provided*, That the court shall make such special rules in respect to such cases as shall secure their hearing and adjudication with the least possible delay.

Judgments in favor of such claimants shall be paid as other judgments of said court are now directed to be paid; and any claimant to whom a tender shall have been made, as hereinbefore authorized, and who shall decline to accept the same, shall, unless he recover an amount greater than that so tendered, be taxed with the entire cost of the proceeding. All claims on account of ownership of any interest in said premises shall, unless petition for the recovery thereof be filed within one year from the date of the first publication of notice by the Attorney-General as above directed, be forever barred: *Provided*, That owners or claimants laboring under any of the disabilities defined in the statute of limitations of the State of Michigan may file a petition at any time within one year from the removal of the disability. Upon the publication of notice, as above directed, the Secretary of War may take possession of the premises embraced in said plan and survey and proceed with the construction herein authorized; and upon payment being made therefor, or without payment, upon the expiration of the time as above limited, without filing the petition, absolute title to the premises shall vest in the United States.

The amendment was agreed to.

The next amendment was, on page 78, after line 6, to strike out:

Improving harbor at Duluth, Minn., and Superior, Wis.: Continuing improvement and for maintenance, including additional dredging near the draw span of the Northern Pacific Railroad bridge, $525,000, of which amount $300,000 shall be expended upon the Superior entry, the plan of which the Secretary of War may modify and enlarge in accordance with the report submitted in House Document No. 82, Fifty-ninth Congress, second session, and the Secretary of War may appoint a board to make a reexamination and survey of the Duluth Harbor and entrance thereto with a view to ascertaining the best method for improving the same, either by the extension of the existing piers, the widening of the channel, the construction of one or more breakwaters, and the enlargement of the inner basin in the interests of commerce, and in order to afford a safer entrance to said harbor in times of storm, and better protection to shipping and property within said harbor; also with a view to ascertaining the advisability of constructing a new entrance to the Duluth Harbor basin of a width suitable for the needs of commerce, not exceeding 1,000 feet, and the protection of the same by either an outer or inner breakwater, or both, such new entrance to be located southward from the present Duluth entrance and so as to cause the least practicable interference with the waters of the St. Louis River, together with the probable effect of such entrance upon the property within said harbor.

And insert:

Improving harbor at Duluth, Minn., and Superior, Wis.: Continuing improvement and for maintenance, including additional dredging in the Duluth Harbor basin and near the draw span of the Northern Pacific Railroad bridge $925,000, of which amount $300,000 shall be expended upon the Superior Entry, the plan of which the Secretary of War may modify and enlarge in accordance with the report submitted in House Document No. 82, Fifty-ninth Congress, second session, and of which amount $400,000 shall be expended upon the construction of a breakwater at the outer entrance to the ship canal at Duluth Harbor, Minn., of the type described as "C" and "B" in the report submitted in House Document No. 82, Fifty-ninth Congress, second session, and indicated on map No. 1 accompanying the same.

The amendment was agreed to.

The next amendment was, on page 80, line 15, to increase the appropriation for continuing the improvement and maintenance of the Chicago River, Illinois, from $200,000 to $400,000.

The amendment was agreed to.

The next amendment was, on page 80, line 23, after the word "law," to insert "not to exceed;" so as to make the clause read:

Improving Calumet River, Illinois and Indiana: Completing improvement and for maintenance, $191,500: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $170,000, exclusive of the amounts herein or heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 81, after line 11, to insert:

Improving Illinois River, Illinois, from Copperas Creek to La Salle, by dredging and other improvement $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Fox River, Illinois," on page 84, after line 22, to strike out:

Improving the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement, $250,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $750,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years, beginning July 1, 1908, the work thus done each year to cost approximately $250,000: *And provided further*, That the sums herein appropriated and authorized shall be expended in the operation and maintenance of the dredging plant already constructed and authorized for the improvement, and in temporary expedients of channel regulation connected with such operation, and in the maintenance and repair of the permanent works already constructed, except that such portion of the authorized annual expenditure as shall not be necessary for the accomplishment of the above-named purposes may be expended in the construction of permanent works of channel regulation.

And insert:

Improving the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement, $650,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,950,000, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years beginning July 1, 1908, the work thus done each year to cost approximately $650,000: *And provided further*, That the sums herein appropriated and authorized shall be expended in the operation and maintenance of the dredging plant already constructed and authorized for the improvement in permanent channel regulation and in the maintenance and repair of the permanent works already constructed and in the further improvement of the river in accordance with the plans of the Engineering Corps of the War Department of 1881.

The amendment was agreed to.

The next amendment was, on page 86, line 25, after the word "report," to insert "to Congress;" so as to read:

The Secretary of War may appoint a board of five members, to be composed of three members of the Mississippi River Commission, one of whom shall be the president of such commission, and two engineer officers of the United States Army, to examine the Mississippi River below St. Louis and report to Congress.

The amendment was agreed to.

The next amendment was, on page 87, line 23, after the word "examination," to strike out the period and insert a semicolon, and to insert:

And said board shall also, at the earliest date practicable, report upon the following:

First. What depth of channel is it practicable to produce between St. Louis and Cairo at low water by means of regulation works?

Second. What depth will obtain in such regulated channel at the average stage of water for the year?

Third. For what average number of days annually will 14 feet of water obtain in such regulated channel?

Fourth. What increase of depth will be obtained over the natural flow of water in such regulated channel by an added volume of 10,000 cubic feet per second; also 14,000 cubic feet per second?

Fifth. And the board shall consider further the practicability of producing at all seasons of the year a depth of 14 feet in such regulated channel by the aid of locks and dams similar to those projected and in use on the Ohio River improvement.

So as to read:

In its report the board shall cover the probable cost of such improvement, * * * and said board shall also at the earliest date practicable report upon the following, etc.

The amendment was agreed to.

The next amendment was, on page 89, line 5, after the word "dollars," to strike out "and the Secretary of War is authorized, in his discretion, to prosecute this work in accordance with the report submitted in House Document No. 341, Fifty-ninth Congress, second session, by methods looking toward an increase in depth" and insert "and the Secretary of War is authorized and directed to prosecute this work in accordance with the report submitted in House Document No. 341, Fifty-ninth Congress, second session, for the purpose of securing and maintaining a depth of channel of 6 feet at low-water mark;" so as to make the further proviso read:

Provided further, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years beginning July 1, 1908, the work thus done each year to cost approximately $500,000; and the Secretary of War is authorized and directed to prosecute this work in accordance with the report submitted in House Document No. 341, Fifty-ninth Congress, second session, for the purpose of securing and maintaining a depth of channel of 6 feet at low-water mark.

The amendment was agreed to.

The next amendment was, on page 89, after line 23, to strike out "Improving reservoirs at headwaters of the Mississippi River, in the State of Minnesota: Continuing improvements, $145,000" and insert "For reconstruction of Sandy Lake reservoir dam, Minnesota, without a lock for steamboats, $75,000."

The amendment was agreed to.

The next amendment was, on page 90, after line 4, to insert:

For the construction of low reservoir dam at Gull Lake, Minnesota (project No. 1), and ditches between Gull Lake and Round Lake, and between Round Lake and Long Lake, Minnesota, $70,000.

The amendment was agreed to.

The next amendment was, on page 90, line 9, after the word "four," to strike out "further construction or rehabilitation of reservoirs" and to insert "the construction of said Gull Lake dam and reservoir;" so as to make the proviso read:

Provided, That the land required for the construction of said Gull Lake dam and reservoir, together with any flowage rights which may be necessary, shall be ceded to the United States without charge.

The amendment was agreed to.

The next amendment was, on page 90, line 25, before the word "hundred," to strike out "three" and insert "four;" on page 91, line 3, before the word "thousand," to insert "and fifty;" in line 4, before the word "thousand," to strike out "fifty" and insert "one hundred;" in line 5, after the words "Fort Benton," to insert "one-half of which last amount shall be expended north of the forty-sixth parallel;" so as to read:

Improving Missouri River from the mouth to Fort Benton: For maintenance, $400,000, of which amount $150,000 may be expended between the mouth and Kansas City, $150,000 between Kansas City and Sioux City, and $100,000 between Sioux City and Fort Benton, one-half of which last amount shall be expended north of the forty-sixth parallel.

The amendment was agreed to.

The next amendment was, on page 91, line 12, after the word "navigation," to insert the following further proviso:

Provided further, That the Secretary of War shall, as soon as practicable, cause a survey to be made to determine the necessity of continuing the improvement of the Missouri River at St. Joseph, Mo., to prevent a diversion of the waters of said river through Lake Contrary and other contiguous lakes, and to determine the effect of such diversion, with an estimate of the cost of the improvement.

The amendment was agreed to.

The next amendment was, on page 91, after line 19, to insert:

For building dams and constructing reservoirs at Lake Kampeska, Lake Poinsett, and on the Sioux River, in South Dakota, to control the flow of said stream and impound the flood waters to secure permanent stage of water in the Missouri River, $52,500.

The amendment was agreed to.

The next amendment was, on page 96, line 7, before the word "for," to strike out "dredge" and insert "dredges;" in line 8, after the word "of," to strike out "a dredge" and insert "two dredges;" and in line 11, before the word "hundred," to strike out "one" and insert "two;" so as to make the clause read:

Construction of dredges for Oregon and Washington: For the construction of two dredges, to be used in the harbors and coast waters of Oregon and Washington and to be operated and maintained out of funds available for such harbors and coast waters, $200,000.

The amendment was agreed to.

The next amendment was, on page 98, line 19, after the word "wide," to insert "at the bottom;" in line 20, after the words "Puget Sound," to insert "at the mouth of Salmon Bay;" and in line 24, after the words "Secretary of War," to insert "and the plans and order of work to be subject to his approval before beginning;" so as to make the clause read:

And the provisions of the act approved June 11, 1906, authorizing James A. Moore, or his assigns, to construct a canal, with suitable timber lock, are hereby so modified as to permit the said James A. Moore, or his assigns, subject to the conditions and stipulations of the act, to excavate a channel 75 feet wide at the bottom and 25 feet deep at mean low water from deep water in Puget Sound at the mouth of Salmon Bay to deep water in Lake Washington, in lieu of constructing the canal and timber lock specified in the said act, the location of the said channel and work of excavation to be subject to the direction of the Secretary of War, and the plans and order of work to be subject to his approval before beginning and when completed and accepted by the Secretary of War, the channel to be and remain a free public waterway of the United States.

The amendment was agreed to.

The next amendment was, on page 99, line 11, to increase the appropriation for improving the Cowlitz and Lewis rivers, including the North Fork of the Lewis River, State of Washington, from $5,000 to $15,000.

The amendment was agreed to.

The next amendment was, in section 2, page 105, line 14, before the word "thousand," to insert "and fifty;" so as to read:

SEC. 2. For preliminary examinations and surveys (other than those mentioned in section 1), contingencies, and for incidental repairs for which there is no special appropriation for rivers and harbors, $350,000.

The amendment was agreed to.

The next amendment was, under the subhead "Alabama," on page 107, after line 2, to insert:

Sipsey River, from its mouth to Fayette.

The amendment was agreed to.

The next amendment was, on page 107, after line 8, to insert:

ARKANSAS.

Saline River, from the mouth of same north to Turtle Bar, on said river, with a view of dredging and other work.

The amendment was agreed to.

The next amendment was, under the subhead "California," on page 107, line 21, after the word "San Joaquin," to insert "River;" so as to make the clause read:

San Joaquin River and its tributary, Stockton channel, from San Francisco Bay to Stockton.

The amendment was agreed to.

The next amendment was, on page 108, line 3, after the word "Harbor," to strike out "with a view to improving the entrance thereto" and insert "and the entrance thereto, with a view to improving the same;" so as to make the clause read:

San Diego Harbor and the entrance thereto, with a view to improving the same.

The amendment was agreed to.

The next amendment was, under the subhead "Connecticut," on page 108, line 12, after the word "Harbor," to strike out "the rocks in Morris Cove;" and in line 13, after the word "needed," to insert "and the rocks in Morris Cove;" so as to make the clause read:

New Haven Harbor, with a view to determining whether a greater depth is needed, and the rocks in Morris Cove.

The amendment was agreed to.

The next amendment was, on page 108, after line 16, to insert:

A further examination and survey for a harbor of refuge at Duck Island, and in connection therewith for a breakwater at Kelseys Point, Connecticut.

The amendment was agreed to.

The next amendment was, on page 108, after line 23, to insert:

Connecticut River, Connecticut, from the mouth of same to the railroad bridge crossing said river between the town of old Saybrook and the town of Lyme, with a view to dredging, cleaning out, and widening the channel and improving the anchorage ground.

The amendment was agreed to.

The next amendment was, under the subhead "Delaware," on page 109, after line 4, to insert:

Little River, from the mouth of the same to the town of Little Creek.

The amendment was agreed to.

Th next amendment was, under the subhead "Florida," on page 109, after line 11, to insert:

St. Johns River, Florida, between Jacksonville and the ocean, with a view to obtaining a depth of 30 feet at mean high water.

The amendment was agreed to.

The next amendment was, on page 109, after line 15, to insert:

St. Petersburg Harbor.

The amendment was agreed to.

The next amendment was, on page 109, after line 17, to insert:

Wakulla River, from the town of St. Marks to the Gulf.

The amendment was agreed to.

The next amendment was, on page 110, after line 3, to insert:

St. Johns River, from Sanford to Lake Harney.

The amendment was agreed to.

The next amendment was, on page 110, after line 8, to insert:

Charlotte Harbor, from entrance at Boca Grande to Punta Gorda.

The amendment was agreed to.

The next amendment was, under the subhead "Georgia," on page 110, after line 14, to insert:

Savannah Harbor, with a view to a channel depth of 35 feet to the sea.

The amendment was agreed to.

The next amendment was, on page 110, after line 20, to insert:

INDIANA.

Harbor at Gary, with a view to determining whether a breakwater is necessary.

The amendment was agreed to.

The next amendment was, on page 110, after line 23, to insert:

Indiana Harbor, with a view to determining whether improvement of the harbor is advisable.

The amendment was agreed to.

The next amendment was, under the subhead "Massachusetts," on page 113, line 7, before the word "feet," where it occurs the second time, to strike out "fifteen" and insert "twenty;" and in line 9, before the word "feet," where it occurs the second time, to strike out "fifteen" and insert "twenty," so as to make the clause read:

Lynn Harbor, with a view to obtaining a turning basin 500 feet square and 20 feet deep, straightening the present channel, and making a channel 300 feet wide and 20 feet deep from deep water to wharves at head of harbor.

The amendment was agreed to.

The next amendment was, on page 113, after line 10, to insert:

Great Point, Nantucket, with a view to the establishment of a harbor of refuge.

The amendment was agreed to.

Mr. FRYE. On page 113, line 19, where it reads "to the falls above Haverhill," I move to strike out "falls above" and insert "railroad bridge at."

The VICE-PRESIDENT. The Senator from Maine proposes an amendment, which will be stated.

The SECRETARY. On page 113, line 19, before the word "Haverhill," strike out the words "falls above" and insert "railroad bridge at;" so as to read:

Merrimac River, with a view to providing by locks and dams a channel 14 feet deep from the mouth of the river to the railroad bridge at Haverhill.

The amendment was agreed to.

Mr. FRYE. In line 13, page 114, I move to strike out the words "westerly pier" and insert "piers."

The VICE-PRESIDENT. The Senator from Maine proposes an amendment, which will be stated.

The SECRETARY. On page 114, line 13, it is proposed to strike out the words "westerly pier" and insert the word "piers;" so as to read:

Grand Marais Harbor, with a view to rebuilding the piers at the entrance and enlarging basin.

The amendment was agreed to.

The next amendment was, under the subhead "Minnesota," on page 114, after line 13, to insert:

Boise de Sioux River, Lake Traverse, and Big Stone Lake, and the portages between the said lakes and said river, with a view of connecting the navigable waters of the Red River of the North with the Minnesota River, for the purposes of improving the navigation of said rivers and preventing floods and overflows on the Red River of the North.

The amendment was agreed to.

The next amendment was, under the subhead "New Jersey," on page 116, after line 4, to insert:

Passaic River, from the Montclair and Greenwood Lake Railroad bridge to the present head of navigation at the city of Passaic.

The amendment was agreed to.

The next amendment was, on page 116, after line 13, to insert:

Arthur Kill, westerly side of Buckwheat Island, with a view to deepening the channel.

The amendment was agreed to.

The next amendment was, under the subhead "New York," on page 117, after line 9, to insert:

Dunkirk Harbor.

The amendment was agreed to.

The next amendment was, on page 117, line 15, before the word "Bay" where it occurs the second time, to strike out "Penconic" and insert "Peconic;" so as to make the clause read:

Jamaica Bay, with a view to obtaining a channel 100 feet wide and 6 feet deep to and through Great South Bay to Peconic Bay, including channels to Parsonage and Sumpawams rivers and Freeport and Massapequa creeks.

The amendment was agreed to.

The next amendment was, on page 118, after line 3, to insert:

Fort Pond Bay, Long Island, with a view to creating a harbor of refuge.

The amendment was agreed to.

The next amendment was, under the subhead "North Carolina," on page 119, after line 7, to insert:

Beaufort Harbor, with a view to a channel depth of 30 feet across the bar.

The amendment was agreed to.

The next amendment was, under the subhead "Pennsylvania," on page 120, after line 7, to insert:

Delaware River, with a view to deepening the channel from Allegheny avenue, Philadelphia, to deep water in Delaware Bay, to 35 feet.

The amendment was agreed to.

The next amendment was, under the subhead "Rhode Island," on page 120, after line 14, to insert:

Harbor of refuge, Block Island, with a view to securing a greater navigable depth and a larger anchorage area.

The amendment was agreed to.

The next amendment was, on page 120, after line 18, to insert:

Point Judith Pond from the entrance to Billingtons Cove, with a view to making the channel of uniform depth and width to meet the demands of commerce.

The amendment was agreed to.

The next amendment was, under the subhead "Texas," on page 121, after line 19, to insert:

A channel from Aransas Harbor to Corpus Christi, with the view of determining the cost of securing a depth of 20 feet to Corpus Christi.

The amendment was agreed to.

The next amendment was, on page 121, after line 22, to insert:

A channel from Aransas Harbor to Rockport, with the view of determining the cost of securing a depth of 20 feet to Rockport.

The amendment was agreed to.

The next amendment was, on page 122, after line 13, to insert:

Galveston Harbor, with a view to obtaining a uniform depth of 35 feet.

The amendment was agreed to.

The next amendment was, under the subhead "Virginia," on page 123, after line 3, to insert:

Potomac River, at Alexandria, with a view to the removal of a bar recently formed.

The amendment was agreed to.

The next amendment was, under the subhead "Washington," on page 124, after line 2, to insert:

For a ship canal connecting the waters of Puget Sound with Grays Harbor.

The amendment was agreed to.

The next amendment was, under the subhead "West Virginia," on page 124, after line 6, to insert:

Deckers Creek, West Virginia, with a view to securing for a distance of 2,000 feet up from its mouth a channel and harbor with the same depth of water as in the Monongahela River where said Deckers Creek empties into said river.

The amendment was agreed to.

The next amendment was, on page 124, after line 11, to insert:

Cheat River, for a distance of 25 miles up from its mouth.

The amendment was agreed to.

The next amendment was, on page 127, after line 10, to insert as a new section the following:

SEC. 6. That the Secretary of War may approve a change of plans or of location in or over any navigable water of any pier, wharf, bridge, causeway, or other structure which has heretofore been or may hereafter be approved by the Secretary of War under any act of Congress, upon application to him by the parties authorized to erect such structure, their successors or assigns, provided that such change shall be within the original authorization for such structure, and shall not be deemed by the Secretary of War to be detrimental to navigation or to the public interest after public hearings held thereon, and the structure whose changed plans or location is so approved shall be a lawful structure.

The amendment was agreed to.

The next amendment was, on page 127, line 23, to change the number of the section from 6 to 7.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HANSBROUGH. On page 119, after line 12, I move to insert the subhead "North Dakota" and the following:

Red River of the North: With a view to straightening and deepening the channel and overcoming the effect of sliding or encroaching shores.

Mr. FRYE. I have no objection to the amendment.

The amendment was agreed to.

Mr. TILLMAN. I should like to offer a slight amendment. On page 33, after line 9, I move to insert:

Improving Lynchs River and Clarks Creek, South Carolina, by the removal of rocks and snags, $2,000.

The amendment was agreed to.

Mr. PETTUS. I move that the Senate disagree to that part of the bill, on page 42, in lines 19, 20, and 21, by which the committee of the Senate struck out of the bill the following words:

And provided further, That so much as may be necessary may be expended in the construction of a dredge for said harbor.

And to restore said words.

The VICE-PRESIDENT. The Senator from Alabama moves to reconsider the vote by which the amendment he has indicated was agreed to.

Mr. FRYE. I prefer that those lines shall not be stricken out. There is no need of a dredge in Mobile Harbor. There never was a better contract made in the history of the country than was made there for that dredging. We put in a dredge for the coast at Galveston and along there, which can be used anywhere else by the Secretary of War. The Engineer in Chief told me that the least needed dredge of all proposed in the country was the one at Mobile Harbor.

Mr. PETTUS. Mr. President, there is a private dredge in that neighborhood, but the authorities have recommended this one. I am of the opinion that the work in Mobile Harbor has been extravagantly paid for. This appropriation is well recommended by the Department, whatever a private individual or officer may say outside of the papers. For a long while there have been constant complaints of the manner in which the work has been done there. It has been done by one contractor for some years, and it seems to be so arranged that nobody else can get to do the work. If they had a dredge there, it would be a large saving to the Government, as I am informed.

Mr. FRYE. If good reasons are given by the House conferees for retaining this proviso, I will see that it is retained. I doubt, though, if good reasons can be given for a dredge at Mobile Harbor. I hope the vote will not be reconsidered.

The VICE-PRESIDENT. The question is on the motion to reconsider the vote by which the amendment was agreed to.

The motion to reconsider was not agreed to.

Mr. McLAURIN. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 44, after line 5, insert as a separate paragraph the following:

Improving Tombigbee River from Demopolis, Ala., to Columbus, Miss., by the construction of locks and dams and otherwise, $200,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute said improvement, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate $1,500,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. FRYE. No; I can not agree to that amendment. That survey was made seventeen years ago and the project proposed, which would cost about $800,000. Nothing was done toward the project. Ten years ago another survey was had and the project proposed at a cost of $2,000,000. Nothing was done. Two years ago a survey was made, and the project was proposed at a cost of $2,500,000; and the local engineer, the district engineer, and the Board of Review all decided against it.

Mr. McLAURIN. Mr. President, I do not understand the force of the argument that because a recommendation was made seventeen years ago and another one ten years ago, and that those projects were abandoned and nothing done, it should defeat the proposition now to make this improvement in the river.

I understand that the report does not recommend this improvement, but when the report is understood by the Senate I think the Senate will agree with me that the recommendation is not consistent with the report.

I do not understand that an engineer who makes a report of the facts has any right to control the legislation of Congress in determining whether a feasible project, if he has determined it to be feasible and reported it to be feasible, shall be adopted.

I suppose that I can better put before the Senate this report by reading it, and it is short, than by making an effort to explain it to the Senate. I can do it more briefly. It is a brief one and will explain itself.

In March, 1905, there was provision made for surveying and examining this work to determine whether or not it was feasible, and this is the report that was made by the district engineer.

PRELIMINARY EXAMINATION OF TOMBIGBEE RIVER FROM DEMOPOLIS, ALA., TO COLUMBUS, MISS.

ENGINEER OFFICE, UNITED STATES ARMY,
Mobile, Ala., December 9, 1905.

I ask the attention of the Senate to this report, to see whether my statement that the recommendation of the engineer is inconsistent with the reported facts is correct or not. His recommendation is that there is not commerce there sufficient to make it worthy of improvement. As this report will show, there is commerce there of something like $140,000,000, or $150,000,000, or $160,000,000, if the river is so improved that it can be made navigable the year around.

GENERAL: In compliance with directions contained in Department letter dated March 23, 1905, I have the honor to submit the following report upon a preliminary examination of the "Tombigbee River, from Demopolis, Ala., to Columbus, Miss., with a view to securing a continuous channel 4 feet deep."

Previous examinations and surveys.—The first survey of this section of river was made in 1871, and report thereon is published in the Annual Report of the Chief of Engineers for the same year, page 573. The project provided for removing obstructions and building wing dams, and was adopted in 1872. It was modified in 1879 so as to provide for a low-water channel of navigable width and 3 feet deep by removing obstructions, building wing dams, and closing island chutes. This project was not completed.

Preliminary report upon a survey of Warrior River below Tuscaloosa, the Tombigbee River from its mouth up to Vienna, and from Vienna up to Walkers Bridge is published in the Annual Report of the Chief of Engineers for 1888, Part 2, page 1227. Report of a survey and estimate for 6-foot navigation on Warrior River, Alabama, from Tuscaloosa to Demopolis; Tombigbee River from its mouth to Vienna, and Tombigbee River between Vienna and Cotton Gin is published in the Annual Report of the Chief of Engineers for 1890, Part 2, page 1719. The improvement was recommended and the project was adopted by the river and harbor act of September 19, 1890, and provided for securing the proposed 6-foot channel by snagging, tree cutting, bank revetment, bar improvement, and the building of dams with pneumatic gates at an estimated cost of $779,400 for this section. In 1897 the estimate was changed so as to provide $2,000,000 for the construction of ten locks and dams between Demopolis, Ala., and Columbus, Miss. A blueprint of the map made from the survey upon which the 6-foot project was based, showing the Tombigbee River from Columbus to the Warrior River, just above Demopolis, is forwarded in separate cover.

Present examination.—This examination—

That is, the present examination, the one upon which he is reporting now—

This examination was commenced on October 30, 1905, at Columbus, Miss., working downstream. Soundings were taken about every 75 or 100 feet, and the minimum depths on the shoals recorded. They are given below, reduced approximately to mean low water.

The soundings are given here, which I shall ask to have put into the RECORD without reading.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Locality.	Depth in feet.	Bottom.
Bar below G. & A. Pacific Railroad bridge	2.5	Gravel.
Butlers bar	2.3	Gravel on rock.
Bar No. 1, head of Tenmile shoals	2.0	Gravel.
Bar No. 2	1.5	Do.
Bar No. 3	2.0	Do.
Bar Nos. 4 and 5	2.5	Do.
Bar No. 6	2.3	Do.
Bar No. 7	2.0	Do.
Bar No. 8	3.3	Do.
Bar No. 9	2.4	Do.
Bar No. 10	2.3	Do.
Bar No. 11	1.6	Do.
Bar No. 12	4.0	Do.
Bar No. 13	1.8	Do.
Bar No. 14	3.0	Do.
Bar Nos. 15 and 16	2.0	Do.
Bar No. 17	2.3	Do.
Bar No. 18	2.6	Do.
Bar No. 19	2.3	Do.
Bar No. 20	2.5	Do.
Bar No. 21	2.6	Do.
Bar No. 22	2.3	Do.
Bar No. 23	2.5	Do.
Bar No. 24	3.0	Do.
Bar No. 25	2.3	Do.
Bar No. 26	2.4	Do.
Bar No. 27	1.4	Do.
Bar No. 28	1.3	Do.
Bar No. 29	2.3	Do.
Bar below Jim Creek	2.5	Do.
Bar below Ellis Creek	2.9	Do.
Bar below Pumpkin Creek and Coal Fire shoals	3.0	Do.
Pickensville	2.9	Do.
Bar at Pickensville, lower landing	1.9	Do.
Bar below Nancys Ferry	1.3	Do.
Shylock shoals	1.9	Do.
Bar below Big Creek	3.0	Do.

Locality.	Depth in feet.	Bottom.
Bar above Ringolds Bluff	2.0	Gravel on rock.
Turnip Seed shoals	2.3	Do.
Beaver Creek	2.6	Do.
Owl Creek	3.0	Do.
Wallaces Creek	1.3	Do.
Cedar Creek	2.3	Do.
Fairfield	3.0	Do.
Below Newport	4.0	Do.
Lubbub Creek	1.3	Do.
Ballards Lake Bend	1.5	Do.
Hancock shoals	2.5	Do.
Muscle shoals	2.5	Do.
Windham bar	1.5	Do.
Cuba Landing	3.5	Rock.
Vienna bar	2.0	Gravel on rock.
Vienna Island	2.0	Do.
Sipsey Island	2.3	Do.
Bar south of Sipsey	1.9	Do.
Pleasant Ridge bar	2.9	Do.
Above Williams	3.0	Rock.
Little Island	2.9	Gravel.
Carpenters bar	1.4	Do.
Above Warsaw	2.9	Do.
Warsaw bar	2.3	Do.
China Bluff bar	1.9	Do.
Clentons Landing	2.5	Do.
Below Old Taylors Landing	2.3	Do.
Bracketts bar	1.9	Do.
Blend shoals	1.3	Do.
Upper Chicken Cock bar and Lower Chicken Cock bar.	2.0	Do.
Chambers	2.5	Do.
Holts	2.0	Do.
Oswalt	2.3	Do.
Noxubee	3.0	Do.
Gainesville	2.0	Do.
Cherry Bluff	3.0	Do.
Colgans Island	2.5	Do.
Smiths	2.3	Do.
Cube Creek	1.3	Do.
Howard	2.0	Do.
Croft Landing	3.0	Do.
Brush bar	2.3	Do.
Above Clay's wood yard	3.5	Do.
Clays bar	2.0	Do.
Trends bar	2.5	Do.
Toms bar	2.5	Do.
Tubbs Creek	2.5	Do.
Jack Toms Landing	3.5	Do.
Hays Ferry	2.3	Do.
Hales Island	1.5	Do.
Epps bar	3.0	Do.
Rock shoals	2.3	Do.
Bar above Jones Bluff	2.0	Do.
Jones Creek	3.5	Do.
Hillmans Island	2.5	Do.
Shilitos Camp	2.0	Do.
Belfast Chute	1.9	Do.
Martins Ferry	2.3	Do.
Phillips shoal	2.5	Do.
Houstons Island	3.5	Do.
Cold Spring bar	2.3	Do.
Bluffport	1.9	Do.
Spring Bluff	2.0	Do.
Muscle shoal	2.0	Do.
Durdens bar	2.9	Do.
Thompsons Island	2.0	Do.
Rattlesnake and Blacksnake	2.0	Do.
Kirkpatrick	1.9	Do.
Birdines	1.5	Do.
Coles	1.0	Do.
Haunted Point	2.0	Do.
Arrington	3.0	Do.
Greenes bar	2.9	Do.
Bee Tree Island	3.0	Do.
The Rocks	2.7	Gravel on rock.
Hancocks bar	3.0	Gravel.
Tutts bar	4.3	Do.

Mr. McLAURIN. After giving the soundings, the report continues:

A few borings made indicate that the bed of the river over almost the whole distance covered by the examination is composed of blue rock or rotten limestone. In nearly all places the surface was found to be of sand and gravel. Probably, however, the limestone or blue rock is underneath throughout. The nature of this rock is such that when exposed to the air it hardens, but when submerged it is soft, so that in places it is easy to excavate. At nearly all points along the river there are high steep bluffs, the concave bank being lime rock and the convex bank flat and soft. Tenmile shoals (so called from their length) is about the only place where there is no bluff. Here the river meanders between low alluvial banks of light sandy soil and unstable material, which yields readily to the eroding action of the river. The banks of this soil are from 8 to 12 feet above low water, and in most places are overgrown with willows and underbrush. In the limited time available it was not possible to obtain any reliable data as to current observations, but it is apparent that the discharge of the Tombigbee River is much greater than that of the Black Warrior River and that there will be an abundance of water for canalization.

Now, mark, large sums of money have been expended in the improvement of Warrior River from Demopolis up to Tuscaloosa, when this report shows that larger volumes of water are discharged by the Tombigbee River than are discharged by the Warrior River.

Previous improvement.—Work on this section of Tombigbee River has heretofore been confined to the removal of logs, snags, and other obstructions from the channel and overhanging trees from the banks, building and repairing jetties, and excavating rock, gravel, sand, and clay. Work of this nature is needed every year to remove obstructions brought into the stream during freshets, as these freshets reach a height of between 40 and 60 feet above low water. The work done has resulted in affording a channel navigable for the light-draft boats plying this section, on a 2-foot rise above mean low water, for a period of four or five months per annum.

Geographical location.—Columbus, the upper limit of the improvement, is the county seat of Lowndes County, Miss., and is located in the eastern part of the State, near the Alabama line. It is a town of about 11,000 inhabitants, is surrounded by a rich, fertile, and productive country, and is one of the most enterprising towns in this section of the State. From Columbus the river takes a southeasterly trend to Demopolis, in the western part of Alabama, a distance of 156 miles, and in this distance it has a fall of about 108 feet. The country through which the stream passes is very productive, and for farming purposes will compare favorably with any other in the States of Alabama and Mississippi. Plantations line both banks of almost this entire section, though there are reaches where either one or the other bank, and in some instances both banks, are heavily timbered. The width of the river is tolerably uniform, and on an average it is from 300 to 400 feet wide at low water, increasing in width considerably during a freshet.

Resources and commerce.—The principal farm products of the country are cotton and corn, the yield being from one-half to one bale of cotton to the acre, and from 25 to 40 bushels of corn to the acre. Cotton—

I ask attention especially to this:

Cotton is the chief crop, about one-fifteenth of the total yield of the United States being grown here.

Mr. FRYE. The Senator does not believe that?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. McLAURIN. Yes, sir; with pleasure. I do not believe that one-fifteenth of the cotton crop of the United States is grown there.

Mr. FRYE. Nor 1 per cent, does the Senator believe?

Mr. McLAURIN. Yes, sir; I will say more than 1 per cent. As I said to the committee when I was before it, I do not believe that one-fifteenth of the cotton crop of the United States is grown there, but, say, one-thirtieth or one-half as much as has been said by this report is grown there, it would be worth $20,000,000. Say that one-sixtieth of it is grown there and then it would be worth $10,000,000. I think it may be safely said that one-fiftieth of the cotton crop of the United States is grown there, and it would be worth from $12,000,000 to $15,000,000.

Now, this is the report of the engineer. I am reading that part of it to show that the report of the engineer is inconsistent with the recommendation he makes. The cotton crop of the United States may be well and reasonably estimated at $600,000,000 a year. That is a very conservative value to put upon the cotton crop of the United States. So one-fifteenth of it would be worth $40,000,000. Then he says just after that:

The cotton-seed oil, oil cake, meal, and hulls will about equal the value of the cotton lint itself.

If that were so, then the cotton lint and the products of cotton seed raised in that section of the country would be worth $80,000,000; and it would be safe to say that the other freight that would be transported over that section of the river if it were improved would be equal to the value of the cotton and the cotton seed. So if this estimate were correct, according to the report of this engineer, the cotton lint, cotton-seed product, and the other trade that should be transported over this section of the river would amount to about $160,000,000 a year.

As I said very frankly to the committee I say now to the Senate, in response to the suggestion from the chairman of the committee, I do not believe, in fact, I know, that one-fifteenth of the cotton produced in the United States is not produced there. I do not want to misrepresent this matter to the Senate. That is the report of the engineer who made the recommendation that the commerce of that section is not worthy of the improvement, and I am repeating this to show the inconsistency between his report and his recommendation.

Much of the country along the river and adjacent thereto is heavily timbered with pine, oak, cypress, sweet gum, and sycamore. The making of staves is at present in active operation, and with additional transportation facilities this would most likely become a staple industry.

Before I leave that subject, lest I may be misunderstood, I want to say that I have no criticism to make of the engineer. I am satisfied he reported what he thought to be true. He made an estimate of this commerce, of the cotton produced in that section of the country and the value of it, the value of the cotton-seed products, just as he understood it, and I have no complaint to make of the district engineer who made this report, nor have I any complaint to make of his report.

The lime-rock producing area is considerable, but it will probably never be made an article of extensive trade without cheap river transportation. Another rock found in the formation of the river bank, called "Tombigbee rock," yields a Portland cement which has stood the analytical test. With the river open the year round there is no reason to doubt that cement factories would multiply in this region.

No commercial statistics could be obtained at the time of examina-

tion, though efforts were made in that direction. Statistics for the calendar year ending December 31, 1904, showed that cotton, cotton seed, logs, breadstuffs, fertilizers, farm supplies, provisions, and general merchandise to the amount of 20,000 tons and the value of $600,000 were handled during that year.

Improvement considerations.—The only tributaries of any importance between Columbus and the junction of the Tombigbee and Warrior rivers, just above Demopolis, are the Sipsey and Noxubee rivers, both of them small streams. A study of the section under consideration makes it clearly evident that the only method of making much improvement is by canalization. This will require the construction of ten locks and dams, at an estimated cost of $2,500,000. The banks being generally a rock bluff on one side and fairly stable on the other, they are unusually favorable for this class of structure. At or near each lock site there would be an abundance of stone, gravel, and sand for the masonry and for riprap work.

I especially call the attention of the Senate to this statement of the engineer:

The banks being generally a rock bluff on one side and fairly stable on the other, they are usually favorable for this class of structure. At or near each lock site there would be an abundance of stone, gravel, and sand for the masonry and for riprap work.

Conclusions.—No further survey is considered necessary, the records of this office being sufficient for the purpose of preparing a preliminary estimate of cost.

Now, I want to summarize. Here is a report which shows that in that section of the country, not what I think about it, but what the engineer thinks about it and says about it when he is making his report to General Mackenzie. Here is a report which shows that the commerce from Columbus to Demopolis on that section of the river, if the river were improved sufficiently to admit of transportation the year around, would amount to $160,000,000 at a low estimate, a conservative estimate; and yet with that statement of that amount of commerce, he concludes with this statement—it will be observed by the Senate that he does not make a recommendation that it shall not be done, but he negatively says:

I do not recommend the upper Tombigbee River as being worthy of further improvement by the General Government by the building of locks and dams, because, apparently, the amount of business would not justify expending the amount of money.

Respectfully submitted.

W. E. CRAIGHILL,
Major, Corps of Engineers.

Brig. Gen. A. MACKENZIE,
Chief of Engineers, U. S. A.
(Through the Division Engineer.)

Now, this report being true, the facts that are put before Congress being true—that there is in that section of the river commerce to the value of $160,000,000—can it be said that it is not worthy of improvement because it has not the commerce to support it? For this reason I say that the report of facts and the recommendation, or rather the failure of recommendation, of the engineer are inconsistent.

I desire without reading it to put in the RECORD a statement by citizens of Columbus. I ask unanimous consent that it may be inserted in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

A STATEMENT BY CITIZENS OF COLUMBUS.

The report of the United States engineer makes cost of necessary locks and dams to be $2,500,000. Interest on this at 2 per cent would be $50,000, and add the same for annual care and working the locks, the total yearly charge would be $100,000.

The estimate of I. H. Sykes, secretary of the Columbus Progressive Union, of tonnage for the season of 1904–5 is 140,000 tons. If one half of this is cotton and cotton products to, say, 70,000 tons, we have the equivalent of 280,000 bales of cotton. The saving in freight on cotton by river against rail is $1 to $1.25 a bale, so that on this item there is a saving of $280,000. The other 70,000 tons is miscellaneous freight, all carrying a higher rate than cotton; but allowing the same rate the saving there is $280,000, or a total saving on the whole 140,000 tons of $560,000—more than 20 per cent of the cost of the improvements.

Columbus alone handles an average of 45,000 bales of cotton, on which there would be a saving of $45,000; and on its other freights there would be more than an equal amount, to, say altogether, $90,000 a year. This estimate is made on a six months' uncertain river.

Indeed, the tonnage carried on the river any year only represents that which the people have been unable to haul to the railroads. The river is seldom navigable before the middle of December. The rains that make it so make the roads unnavigable. The crops are ready and begin to move in September, so that the river farmer hauls his crop to market before December while the roads are good. That taken by boat is the surplus that could not be hauled, and varies violently according to the seasons.

The figures of I. H. Sykes of 1904–5 are disputed by Mr. Kennerly, an "inspector" of the United States engineer's office at Mobile, but Major Jervey, his superior officer, concedes that the tonnage may have been 52,000 tons. At a saving of $4 a ton on this extremely low tonnage, the saving was $208,000, an excess of $108,000 over interest and maintenance, sufficient to warrant the investment.

This tonnage was derived in five months' operation, uncertain river, and a lot of boats running from the middle of December to the middle of May.

Neither Major Jervey nor Mr. Sykes takes any account of the lumber and stave business done by gasoline boats, barges, and rafting, a business that constitutes a very large part of the export trade of Mobile. Were the river navigable the whole year it would reduce freights at an equivalent of $1 a bale on cotton, and in the same ratio on all commerce in the Tombigbee Valley, whose annual total is valued at $80,000,000. How? If the farmer living on or in wagon reach of the river can ship his cotton to Mobile at $1 a bale, it would all go to the river, as 50 cents a bale will move cotton 20 miles. The railroads would at once meet the competition and reduce their rates accordingly, so that the farmer on the other side of the railroad for, say, 20 to 30 miles, would get the benefit of the river competition. The same results would accrue on the east. Thus the commerce of the whole Tombigbee Valley, worth $80,000,000, is affected by this improvement.

One railroad that partakes of this commerce made for the year ending June 30, 1905, after paying all expenses, including rentals and interest on its bonds, net, over 16 per cent on its capital stock. Its earnings up to January 31, 1906, indicated, net, for the year ending June 30, 1906, over 26 per cent. These figures are taken from a banker's statement, handling the securities of the railroad company.

So that a reduction in rates brought about by river competition would not bankrupt the railroads tapping the Tombigbee River. Indeed, the freight rates are practically the same now when the cotton crop is 13,000,000 bales as they were when the crop was 5,000,000 bales.

Laws have been made to protect everything North, East and West; vast sums appropriated to dig out their harbors and canalize their rivers, while so little has been done for this section. We are an agricultural people and pay tribute under all their legislation. We have always felt the heavy hand of the Government. Are we never to feel its benign, helping influence? We have seen millions lavished in distant seas on a people of no kith or kin to America. The faith of our Government pledged to guarantee the bonds for railroad construction in the Philippine Islands, so remote, so unimportant, in the world's civilization that the average school boy can not locate them on the map. The cotton of the South helped more to put up and hold up the gold standard for the country; no affirmations of political platforms or statutes of Congress brought the gold to our shores. It was the exporting of three-fifths of our cotton that brought in the last six years over eighteen hundred million dollars in gold. We are consumers of the products of American mills and American labor and pay in European gold.

The Government has listed the Tombigbee as its own, a navigable stream. We can not bridge it without an act of Congress. The Government will not improve it, nor will it give a lease to an aggregation of local capital to improve it, nor may we harness its thousands of wasting horsepower to help the struggling people on its banks. If this be a sample of "government ownership," a thousand times better were it for the people that all public utilities be within private or corporate control.

For twenty-five years have our people appealed to Congress to improve this river; have traveled its long reaches to get together in conventions; have spent time, money, and energy in this behalf, and now, when the Government's own engineer has given in the most conservative language an estimate of the resources of the country it would serve, showing that it produces one-fifteenth of the cotton crop of the United States, affording commerce of the value of $80,000,000, with enormous possibilities, we are again remitted to the waiting list. We have been smitten in Mobile, the house of our friends, riven by the hand of an engineer's clerk, charged with "furnishing information which was not correct," because, forsooth, we are "interested parties." Being thus tipped off in sweeping generalities by his clerk, Major Jervey falls into the error of creating the impression that the steamer *Vienna* was wrecked about a year ago from the date on which he was writing and therefore not in the trade, as noted by Mr. Sykes, and that the *Mary* and *City of Camden* were wrecked in September, 1906, whereas, in fact, the *Vienna* was not wrecked until the middle of February, 1906, and Sykes's report, which he is trying to discredit, is for the season commencing December, 1904, and ending June, 1905. These dates seem to have been overlooked by the whole bunch of Mobile knockers. Sykes makes report of the tonnage for the season commencing in December, 1904, and ending about June 1, 1905. The engineers come along and try to discredit it because some of the boats carrying the tonnage were wrecked the year following. One is tempted to say there are "interested parties" opposed to the improvement, who have been so careless of dates as to state facts which, in the language of Inspector Kennerly, "is not correct." It is due Major Jervey to say he was a new man, just come into the case, writing about a river he had never seen and making a report on data furnished him by others.

SOME MOBILE STATISTICS AS TO COTTON.

Year.	Mobile receipts.	Total crop, United States.	Probable Mobile receipts.
	Bales.	*Bales.*	
1857–58	522,364	3,257,339	Over one-sixth.
1858–59	704,406	4,018,914	Do.
1904–5	330,000	13,565,000	About one-twenty-fourth.
1905–6	250,000	11,315,000	About one-twenty-second.

During the period 1857, 1858, and 1859 practically all of Mobile's cotton arrived by river and went out by sea.

The engineer says "that one-fifteenth of the cotton crop now is raised in the Tombigbee Valley." With a river every day of the three hundred and sixty-five the rate on cotton within 250 miles of Mobile, north and northeast, which embraces the Tombigbee River, would be $1.25 per bale less than now. So that it would save the people approximately $1,000,000, and the "port receipts" of Mobile, instead of being, as now, from 250,000 bales to 350,000 bales, would be nearer 1,000,000 bales. Mobile is the natural port of this section of the country, and with the river the railroads would find it hard to make a rate to any other port in competition with Mobile, on account of the distance and service performed, and therefore could not divert the cotton from this port. Then Mobile would come into "her own."

Taking the figures of one of her commercial bodies, the exports of Mobile in 1894, when her harbor had a depth of 17 feet, was only $3,476,000, but in 1906, with a depth of 22 feet, the value was $26,575,000, practically all of which was cotton, its products, and lumber, coming out of the Tombigbee and Alabama River valleys. Three-fifths of the South's cotton is exported. Why should not that of the Tombigbee Valley go again via Mobile, as it did prior to 1860? Rates to Mobile on cotton by river have most always been $1 per bale, whereas rates by rail have almost always been about $2.25 per bale. The result has been that when the boats were put out of the running the cotton has been diverted from Mobile and gone to other ports. In this way the Tom-

bigbee River has been made to run upstream, while the railroads carried commerce from Mobile until the value of her exports was reduced in 1894 to $3,476,000, the equivalent of about 70,000 bales of cotton. If the river had been kept in the running by improvements so that lines of steamboats could have been established to run the year round, Mobile would to-day be handling the commerce not only of the Tombigbee Valley, but largely that of the Alabama Valley, and her exports might be one hundred millions, and she in grateful sympathy with the struggling thousands back of her in the interior.

The increase in population and enormous increase in products have overtaken and overcropped all the railroads of the United States, and congestion prevails everywhere. The cotton crop a few years back was only 5,000,000 bales, whereas to-day it is 13,000,000. In a greater ratio has the country otherwise multiplied its products. The railroads can not do the business, and the sentiment is universal that Congress should improve the waterways of our country rather than check the prosperity which is dependent upon transportation.

What Captain Craighill, United States engineer, wrote of the Tombigbee Valley in 1903 was true then; its development is more important to-day. Here is his letter:

ENGINEER OFFICE, UNITED STATES ARMY,
Mobile, Ala., October 29, 1903.

Mr. JOHN P. MAYO, *Columbus, Miss.*

DEAR SIR: I have just received your letter of the 27th. I am sorry you did not arrange to make the trip down the river with us. We had fine weather and were pleasantly entertained along the route.

I found the river larger than I expected, and its physical conditions appear very favorable for improvement by locks and dams. The valley of the river is immensely fertile and productive, and is urgently in need of better transportation facilities. It would seem that the saving in freight rates on the average annual amount of cotton that would be influenced by river transportation would pay a reasonable interest on the investment required for the improvement, although this feature of the case is one that requires, for a definite determination, more time than I have been able to give to it.

Yours, truly.

W. E. CRAIGHILL,
Captain, Corps of Engineers.

But all this quibble over figures and surplusage of statistics aside. The question is not whether the tonnage of the river is satisfactory now in its present half year—uncertain navigation—but whether the people of the Tombigbee Valley are to have an outlet, not so much for its cotton at reduced rates, but for its undeveloped resources of lime, lumber, and cement, which it now holds locked up in exhaustible quantities—commodities which the world needs—but which can not be marketed for lack of cheap and certain transportation.

C. A. JOHNSON,
E. R. SHERMAN,
JOHN P. MAYO,
P. W. MAER,
I. H. SYKES,
WALTER WEAVER,
Committee.

Mr. McLAURIN. Mr. President, I think that this amendment ought to go on the bill. I dislike to run counter to the report of the committee. I dislike to run counter to the recommendations of the engineer, if the recommendation of the engineer is to prevail with Congress. I do not, with all due respect to the engineers, believe that they have anything to do with making recommendations. They can only state, and it is only their duty to state to Congress the cost of the work to be done, the feasibility of the work, the condition of the work, and then leave it to Congress, untrammeled by any recommendations or suggestions from the engineers, to determine whether Congress shall make the improvement or not.

I apologize to the Senate for taking up so much time.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. McLAURIN. Mr. President, I have another amendment that I am going to offer.

The VICE-PRESIDENT. The Senator from Mississippi proposes an additional amendment, which will be read.

The SECRETARY. On page 44, line 5, insert the following:

Improving Tombigbee River, from Demopolis, Ala., to Columbus, Miss., by the construction of locks and dams and otherwise, $200,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute said improvement, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate $500,000.

Mr. FRYE. I thought that amendment was just voted down.

Mr. McLAURIN. It is a different amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. McLAURIN. I offer another amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 44, after line 5, it is proposed to insert the following:

Improving Tombigbee River, from Demopolis, Ala., to Columbus, Miss., by the construction of locks and dams and otherwise, $200,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute said improvement, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate $300,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. McLAURIN. Mr. President, I offer another amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 44, after line 5, it is proposed to insert:

Improving Tombigbee River, from Demopolis, Ala., to Columbus, Miss., by the construction of locks and dams and otherwise, $200,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute said improvement, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate $250,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. McLAURIN. Mr. President, I have but one more amendment. I give the Senate one more opportunity. This is the last amendment I will offer to this bill, and I hope the Senate will allow the amendment to be adopted, because it only asks for $200,000, a very modest sum.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 44, after line 5, it is proposed to insert:

Improving Tombigbee River, from Demopolis, Ala., to Columbus, Miss., by the construction of locks and dams and otherwise, $200,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. PILES. Mr. President, I have an amendment which I desire to propose and about which I have spoken to the chairman of the committee. On page 124, under the heading "Surveys," after line 4, I move to amend the bill by inserting:

Columbia River, from Bridgeport to Kettle Falls.

Mr. FRYE. That provides only for a survey, does it?

Mr. PILES. For a survey.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 124, after line 4, it is proposed to insert:

Columbia River, from Bridgeport to Kettle Falls.

Mr. FRYE. I have no objection to the amendment.

The amendment was agreed to.

Mr. SPOONER. Mr. President, for the Senator from Arkansas [Mr. BERRY] I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Wisconsin offers an amendment on behalf of the Senator from Arkansas [Mr. BERRY]. The amendment will be stated.

The SECRETARY. On page 59, line 10, after the word "dollars," it is proposed to insert:

Of which amount $7,500, or so much thereof as may be necessary, may, if required in the interest of commerce and navigation, be used to prevent a cut-off in said river between Choctaw Railway bridge and the town of Devall Bluff, Ark.

Mr. FRYE. That does not increase the appropriation at all, and I have no objection to it.

The amendment was agreed to.

Mr. SPOONER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 66, after line 13, it is proposed to insert:

Improving harbor at Algoma (Ahnapee), Wis., by the construction of an outer harbor with a depth of 16 feet of water, $40,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete such project, to be paid for as appropriations may from time to time be made by law, not to exceed, in the aggregate, $100,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TWELFTH INTERNATIONAL CONGRESS OF HYGIENE AND DEMOGRAPHY.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 246) authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington, which was read twice by its title.

Mr. LODGE. A resolution identical with that was reported this morning from the Committee on Foreign Relations. There is no objection to it that I know of on the part of anyone. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without

amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. I move that the joint resolution (S. R. 93) authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington, reported by me this morning from the Committee on Foreign Relations and now on the Calendar, be indefinitely postponed.

The motion was agreed to.

REGULATION OF IMMIGRATION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and, on motion of Mr. LODGE, was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House and the Secretary of the Senate are hereby authorized and directed to permit JACOB RUPPERT, Jr., as one of the House managers, to affix his name to the report of the members of the conference on the disagreeing votes of the two Houses on the bill S. 4403, "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.

MENOMINEE INDIAN TRADERS.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 19500) for the relief of Indian Traders Marion Westcott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin, reported it with an amendment, and submitted a report thereon.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 21, 1907, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1907.

ASSISTANT TREASURER.

Hamilton Fish, of New York, to be assistant treasurer of the United States at New York, N. Y. (Reappointment.)

REGISTERS OF LAND OFFICES.

Albert Kircher, of Miles City, Mont., to be register of the land office at Miles City, Mont., vice Samuel Gordon, term expired.

Ernest D. R. Thompson, of Utah, to be register of the land office at Salt Lake City, Utah, by transfer from receiver of public moneys there, vice Frank D. Hobbs, deceased.

RECEIVER OF PUBLIC MONEYS.

M. M. Kaighn, of Salt Lake City, Utah, to be receiver of public moneys at Salt Lake City, vice Ernest D. R. Thompson, to be transferred to register of the land office.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Lieut. Col. James W. Pope, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel from February 16, 1907, vice Pond, retired from active service.

Maj. John B. Bellinger, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel from February 16, 1907, vice Pope, promoted.

Capt. Thomas Swobe, quartermaster, to be quartermaster with the rank of major from February 16, 1907, vice Bellinger, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1907.

DISTRICT JUDGE.

Engene D. Saunders, of Louisiana, to be United States district judge for the eastern district of Louisiana.

POSTMASTERS.

CALIFORNIA.

Charles H. Fernald to be postmaster at Santa Paula, in the county of Ventura and State of California.

CONNECTICUT.

Charles H. Dimmick to be postmaster at Willimantic, in the county of Windham and State of Connecticut.

Nathaniel P. Noyes to be postmaster at Stonington, in the county of New London and State of Connecticut.

Courtland C. Potter to be postmaster at Mystic, in the county of New London and State of Connecticut.

IDAHO.

Arthur P. Hamley to be postmaster at Kendrick, in the county of Latah and State of Idaho.

Thalia L. Owen to be postmaster at Genesee, in the county of Latah and State of Idaho.

ILLINOIS.

Edward S. Baker to be postmaster at Robinson, in the county of Crawford and State of Illinois.

John T. Clyne to be postmaster at Joliet, in the county of Will and State of Illinois.

Edward D. Cook to be postmaster at Piper City, in the county of Ford and State of Illinois.

Thomas G. Laws to be postmaster at Coffeen, in the county of Montgomery and State of Illinois.

James Porter to be postmaster at Martinsville, in the county of Clark and State of Illinois.

INDIANA.

David A. Shaw to be postmaster at Mishawaka, in the county of St. Joseph and State of Indiana.

Clinton T. Sherwood to be postmaster at Linton, in the county of Greene and State of Indiana.

IOWA.

Earl M. Cass to be postmaster at Sumner, in the county of Bremer and State of Iowa.

George W. Cook to be postmaster at Guthrie Center, in the county of Guthrie and State of Iowa.

Ernest D. Powell to be postmaster at Exira, in the county of Audubon and State of Iowa.

KANSAS.

George A. Benkelman to be postmaster at St. Francis, in the county of Cheyenne and State of Kansas.

James M. Morgan to be postmaster at Osborne, in the county of Osborne and State of Kansas.

Charles Smith to be postmaster at Washington, in the county of Washington and State of Kansas.

C. G. Webb to be postmaster at Stafford, in the county of Stafford and State of Kansas.

Fred W. Willard to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas.

MAINE.

Jarvis C. Billings to be postmaster at Bethel, in the county of Oxford and State of Maine.

Varney A. Putnam to be postmaster at Danforth, in the county of Washington and State of Maine.

MASSACHUSETTS.

Frank E. Briggs to be postmaster at Turners Falls, in the county of Franklin and State of Massachusetts.

Alexander Grant to be postmaster at Chicopee, in the county of Hampden and State of Massachusetts.

James W. Hunt to be postmaster at Worcester, in the county of Worcester and State of Massachusetts.

Adolphus R. Martin to be postmaster at Chicopee Falls, in the county of Hampden and State of Massachusetts.

James F. Shea to be postmaster at Indian Orchard, in the county of Hampden and State of Massachusetts.

MISSOURI.

William T. Elliott to be postmaster at Houston, in the county of Texas and State of Missouri.

NEBRASKA.

Stephen E. Cobb to be postmaster at Emerson, in the county of Dixon and State of Nebraska.

Timothy C. Cronin to be postmaster at Spalding, in the county of Greeley and State of Nebraska.

Clarence E. Stine to be postmaster at Superior, in the county of Nuckolls and State of Nebraska.

Wesley Tressler to be postmaster at Ogallala, in the county of Keith and State of Nebraska.

NEW JERSEY.

Truman T. Pierson to be postmaster at Metuchen, in the county of Middlesex and State of New Jersey.

NEW YORK.

John H. Eadie to be postmaster at New Brighton, in the county of Richmond and State of New York.

L. F. Goodnought to be postmaster at Cornwall-on-the-Hudson, in the county of Orange and State of New York.

NORTH DAKOTA.

William J. Hoskins to be postmaster at Rolla, in the county of Rolette and State of North Dakota.

OREGON.

William B. Curtis to be postmaster at Marshfield, in the county of Coos and State of Oregon.

PENNSYLVANIA.

John F. Austin to be postmaster at Corry, in the county of Erie and State of Pennsylvania.

Anna B. Beatty to be postmaster at Cochranton, in the county of Crawford and State of Pennsylvania.

George W. Honsaker to be postmaster at Masontown, in the county of Fayette and State of Pennsylvania.

Warren B. Masters to be postmaster at Jersey Shore, in the county of Lycoming and State of Pennsylvania.

William E. Root to be postmaster at Cambridge Springs, in the county of Crawford and State of Pennsylvania.

John S. Wilson to be postmaster at Columbia, in the county of Lancaster and State of Pennsylvania.

UTAH.

William W. Wilson to be postmaster at Sandy, in the county of Salt Lake and State of Utah.

CUSTOM REVENUES OF THE DOMINICAN REPUBLIC.

The injunction of secrecy was removed February 20, 1907, from a convention between the United States and the Dominican Republic providing for the assistance of the United States in the collection and application of the customs revenues of the Dominican Republic, signed at Santo Domingo City on the 8th day of February, 1907.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 20, 1907.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CONGRESS OF HYGIENE AND DEMOGRAPHY.

Mr. DENBY. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution No. 246, authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington.

The SPEAKER. The gentleman from Michigan offers a joint resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to extend an invitation to the Twelfth International Congress of Hygiene and Demography, to be held at Berlin in 1906, to hold its thirteenth congress in the city of Washington, D. C., A. D. 1909.

The SPEAKER. The Chair will call the attention of the gentleman from Michigan [Mr. DENBY] to the print of the bill which says, "to be held at Berlin in 1906." Should it not read "1907," inasmuch as 1906 is past?

Mr. DENBY. Mr. Speaker, that congress was held at Berlin, and a tentative invitation was then extended, which now awaits the affirmative order of this Government for final action.

The SPEAKER. The Chair will suggest to the gentleman that he amend by striking out the words "to be" in line 6.

Mr. DENBY. I ask that the bill be amended by striking out the words "to be" in line 6.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. DENBY, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

COLLISION OFF BLOCK ISLAND, RHODE ISLAND.

Mr. GRANGER. Mr. Speaker, I move that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the House resolution No. 841, and that the resolution come up for immediate consideration.

The SPEAKER. The gentleman from Rhode Island [Mr. GRANGER] asks that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the following resolution, and that the same be considered at this time. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Department of Commerce and Labor be, and he is, requested to report to this House, as soon as the investigation now ordered into the causes of the recent collision off Block Island, Rhode Island, resulting in the sinking of the steamship Larchmont and great loss of life is completed, the evidence taken in such investigation and the findings thereon and what action, if any, has been taken by such Department, or any board therein, or any bureau thereof, to provide measures to prevent, as far as possible, the occurrence of such disasters in the future.

The SPEAKER. Is there objection?

Mr. MANN. Let me ask the gentleman if we will be able to get this report of the hearings in before Congress adjourns?

Mr. GRANGER. The investigation has been proceeding for the last seven or eight days, and I should think that there is every reason to suppose it would be completed before the 4th day of March.

Mr. MANN. It might be desirable to publish the result of the investigation soon after Congress adjourns, if not before, and before the meeting of the next Congress.

Mr. GRANGER. I will be very glad to have that done. Will the gentleman suggest an amendment to the resolution?

Mr. GROSVENOR. Mr. Speaker, I desire to say that this resolution came to the Committee on Merchant Marine and Fisheries after what we supposed to be the final meeting of the committee, and it was so plain a duty of the House that it seemed to me it was not necessary to call a meeting of the committee. I believe the committee would have been unanimously in favor of the resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. GRANGER, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 9877. An act for the relief of James P. Barney;

H. R. 19312. An act to authorize the Mingo-Martin Coal Land Company to construct a bridge across Tug Fork of Big Sandy River at or near mouth of Wolf Creek;

H. R. 23218. An act to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County, Ky.;

H. R. 7741. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy;

H. R. 9289. An act for the relief of the Mitsui Bussan Kaisha;

H. R. 3577. An act for the relief of Barclay H. Warburton;

H. R. 5195. An act for the relief of the Milburn Wagon Company, of Toledo, Ohio;

H. R. 8078. An act for the relief of Miss Bernice Farrell;

H. R. 4271. An act for the relief of Patrick J. Madden;

H. R. 12009. An act for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner;

H. R. 19493. An act to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States;

H. R. 7746. An act for the relief of Columbia Hospital and Dr. A. E. Boozer;

H. R. 11676. An act for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal;

H. R. 1078. An act for the relief of Hamilton D. South, second lieutenant, United States Marine Corps;

H. R. 18865. An act for the relief of John and David West;

H. R. 14381. An act authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department;

H. R. 5666. An act for the relief of L. L. Arrington and L. S. Arrington;

H. R. 4233. An act to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred and for repairing damages sustained by its steamer *Sebascodegan* in collision with the U. S. S. *Woodbury;*

H. R. 7960. An act for the relief of John C. Ray, assignee of John Gafford, of Arkansas;

H. R. 5622. An act for the relief of M. D. Wright and Robert Neill;

H. R. 12686. An act for the relief of Edwin T. Hayward, executor of Columbus F. Hayward and administrator of Charlotte G. Hayward;

H. R. 129. An act for the opening of a connecting parkway along Piney Branch, between Sixteenth street and Rock Creek Park, District of Columbia;

H. R. 21684. An act to amend section 2 of an act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 31, 1906;

H. R. 23201. An act to amend the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901;"

H. R. 22350. An act to authorize the recorder of deeds of the District of Columbia to recopy old records in his office, and for other purposes;